

EXHIBIT A

In The Matter Of:

*Evans v.
Newark City*

*William H. Tietjen, Jr.
July 22, 2020
Video Deposition*



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Min-U-Script® with Word Index

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE
14-cv-00120 (KM)(MAH)

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LEE EVANS,)
6 Plaintiff,)
7 v.)
8)
9 NEWARK CITY; FORMER)
MAYOR, CORY A. BOOKER;)
10 FORMER POLICE DIRECTOR,)
GARRY MCCARTHY;)
11 LIEUTENANT LOU CARREGA;)
DETECTIVE JOSEPH HADLEY;)
12 DETECTIVE SGT. WILLIAM)
TIETJEN; SGT. DARNELL)
HENRY; OFFICER JOE)
13 HADLEY,)
14 Defendants.)

15

16

17 T R A N S C R I P T of the stenographic

18 notes of AUDREY ZABAWA, a Certified Court Reporter

19 of the State of New Jersey, Certificate No.

20 XI01410, taken via videoconference, on Wednesday,

21 July 22, 2020, commencing at 10:10 a.m.

22

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24

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A P P E A R A N C E S:

2

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ashley@bonjeanlaw.com
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ASHLEY COHEN, ESQ.
Counsel for Plaintiff

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BY: GARY S. LIPSHUTZ, ESQ.
Assistant Corporation Counsel
Attorney for Defendants City of Newark (improperly
pled as "Newark City" and "Newark Police
Department"), Cory A. Booker, Garry McCarthy,
Darnell Henry, and Joe Hadley

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I N D E X

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WITNESS DIRECT CROSS REDIRECT RECROSS

3

WILLIAM H. TIETJEN JR.

4

Ms. Bonjean 4 316

5

Mr. Lipshutz 303

6

Ms. Rosen 311

7

8

NOTE: Reporter retained exhibits.
(Attached herewith.)

9

10

E X H I B I T S

11

NUMBER DESCRIPTION FOR IDENT.

12

Tietjen-1, Tietjen Training Records, 24
Bates NJSP EVANS 503 through 506

13

Tietjen-2, Tietjen supplementary report 34
dated 6/25/09, Bates ECPO 1343 through

14

1361

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Tietjen-3, Hairston reports, Bates ECPO 70
003548 through 003586

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Tietjen-4, Bates Newark 60 through 62 73

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Tietjen-5, transcript of Philander 246
Hampton interview 11/13/08, Bates ECPO

18

000342 through 426

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Tietjen-6, Carrega affidavit in support 294
of arrest warrants, Bates ECPO 257

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through 259

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Tietjen-7, Tietjen supplemental report 303
dated 4/21/10, Bates ECPO 1315 through

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1317

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1

Tietjen - Direct/Bonjean

2

WILLIAM TIETJEN, JR., called as a

3

witness, having been first duly sworn,

4

testified as follows:

5

DIRECT EXAMINATION BY MS. BONJEAN:

6

Q. Good morning, Mr. Tietjen.

7

A. Good morning.

8

Q. I am in Brooklyn, so there's often

9

background noise. I will apologize in advance if

10

you hear anything in the back that's distracting.

11

I'll do my best to keep the noise to a minimum.

12

And sometimes there are connectivity issues, so

13

don't hesitate to ask me to repeat something if I

14

break up or you need me to repeat.

15

Okay. But before we get started, I'm

16

going to ask that everyone place their appearances

17

on the record. So I'll start with myself.

18

My name is Jennifer Bonjean.

19

B-O-N-J-E-A-N. And I represent the plaintiff, Lee

20

Evans, in this matter.

21

MR. LIPSHUTZ: Good morning. Is it

22

sergeant, by the way?

23

THE WITNESS: It's sergeant.

24

Detective Sergeant First Class. DSFC.

25

MR. LIPSHUTZ: Okay. Detective

Sergeant, good morning. I said hello earlier. My

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<p>Tietjen - Direct/Bonjean Page 5</p> <p>1 name is Gary Lipshutz. I am Assistant Corporation 2 Counsel and Chief of Litigation for the City of 3 Newark. I represent the City, former Director 4 McCarthy, former Mayor Booker, former Detective 5 Hadley, and Sergeant Henry, now chief of police. 6 Nice to meet you, sir. 7 MR. DiFRANCESCO: Good morning. 8 Victor DiFrancesco, New Jersey Attorney General's 9 Office. We are appearing on behalf of Sergeant 10 Tietjen, as well as the State of New Jersey. 11 MR. VOMACKA: This is Michael 12 Vomacka. I am also with Vic in the New Jersey 13 Office of the Attorney General, representing 14 Defendant Tietjen. 15 MS. ROSEN: Good morning. My name 16 Rebecca Rosen. I'm at Schenck, Price, Smith & 17 King, and I'm appearing on behalf of Defendant 18 Louis Carrega. 19 MS. BONJEAN: All right. And, Gary, 20 did you place on the record that your client's 21 were also present? Do you want to -- I don't know 22 if you did. I can't remember. 23 MR. LIPSHUTZ: I don't remember if I 24 did either, but present and observing the 25 deposition are the Defendants Henry and Hadley.</p>	<p>Tietjen - Direct/Bonjean Page 7</p> <p>1 may have given sworn testimony? 2 A. No. 3 Q. Well, I'm still going to go through 4 some ground rules so we can be on the same page 5 today, and hopefully things will go smoothly. 6 Okay. I'm going to be asking you questions and 7 expecting answers related to allegations that have 8 been raised in a civil complaint that was brought 9 by Lee Evans against yourself as a named defendant 10 and a number of other defendants. I'm looking for 11 full and complete answers to my questions to the 12 best of your ability. Do you understand that? 13 A. Yes. 14 Q. Okay. If you do not understand one 15 of my questions, please let me know, and I will 16 rephrase the question so that we are on the same 17 page. Okay? Understood? 18 A. Yes. 19 Q. All right. If you answer one of my 20 questions, I am going to assume that you understood 21 the question; is that fair? 22 A. Yes. 23 Q. You understand, sir, that you are 24 under oath today; correct? 25 A. Yes.</p>
<p>Tietjen - Direct/Bonjean Page 6</p> <p>1 MS. BONJEAN: And also, I should 2 point out my associate, Ashley Cohen, who is also 3 an attorney in this case, is present. She's going 4 to be joining us online, but she's doing some 5 other things at the moment. So we shall get 6 started. I'm going to -- there we go. Okay. 7 BY MS. BONJEAN: 8 Q. Good morning, Mr. Tietjen. As I 9 said, my name is Jennifer Bonjean. I'd like to 10 first begin by asking you whether you have ever had 11 your deposition taken before? 12 A. Yes, I have. 13 Q. How many times, sir, have you had 14 your deposition taken? 15 A. Don't know. I know I had a civil case, I 16 believe it was an accident, years ago. I don't 17 know exactly how many times I had a deposition 18 taken. 19 Q. Have you ever had your deposition 20 taken in connection with your work as a law 21 enforcement officer? 22 A. Yes, it was that prior civil case. 23 Q. Okay. Apart from the prior civil 24 case that you just mentioned, does anything else 25 come to mind in terms of any lawsuits in which you</p>	<p>Tietjen - Direct/Bonjean Page 8</p> <p>1 Q. And that's the same oath you would 2 take as if you were in a court of law? 3 A. Yes. 4 Q. If you need a break, let us know. 5 I'm happy to oblige you. Just, if there is a 6 question pending, I'd ask that you answer the 7 question before we break. Okay? 8 A. Yes. 9 Q. Okay. Can you think of any reasons 10 why you are unable to give full, complete, and 11 truthful testimony here today? 12 A. No. 13 Q. Okay. Can you please state your full 14 name? I know you did it, but will you please state 15 your full name and spell your name again for the 16 record? 17 A. William H. Tietjen, Junior. First name is 18 W-I-L-L-I-A-M. Middle initial H. Last name is T, 19 as in Tom, I-E-T-J-E-N. And I'm a junior. 20 Q. Also, I should have mentioned, the 21 attorneys may at various points lodge objections, 22 so I would recommend in the Zoom, the Zoom space 23 that we are in here, that maybe take a little, a 24 little pause to see if anyone has an objection 25 before answering. I know that's easier said than</p>

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<p>Tietjen - Direct/Bonjean Page 9</p> <p>1 done, but that seems to work best, if you can 2 remember to do that. One other, I guess, 3 instruction I would give is that it's a natural 4 tendency to anticipate someone's questions and 5 start answering them before they've completed their 6 question, so I am going to ask that you do your 7 very best to let me complete my question even if 8 you know where I'm going with it, and I will do my 9 very best not to step on your answers. Okay? 10 A. Yes. 11 Q. Okay. Mr. Tietjen, without giving me 12 your address, where do you live? What part of New 13 Jersey? 14 A. Northwest New Jersey. 15 Q. And how long have you lived there? 16 A. Ten years plus. 17 Q. I assume you live there with your 18 family? 19 A. Yes. 20 Q. Are you currently employed? 21 A. Yes. 22 Q. What type of work do you do? 23 A. I am a Detective Sergeant First Class with 24 the New Jersey State Police. 25 Q. So you are still employed by the</p>	<p>Tietjen - Direct/Bonjean Page 11</p> <p>1 A. We investigate missing people; 2 unidentified, living, and deceased, Safe Haven 3 infants. We are also the Amber Alert coordinators 4 for the State of a New Jersey approving any Amber 5 Alerts. I guess that would cover it. 6 Q. How long have you been assigned to 7 that unit? 8 A. I started here in 2006, and I was here 9 through the end of 2008, and I returned in January 10 of 2013, and I've been here since then. 11 Q. Okay. Actually, I will probably go 12 through your employment history and assignments a 13 little more closely. I want to back up a second. 14 Tell me about your educational 15 history. Graduated high school? 16 A. Yes. 17 Q. What high school did you go to? 18 A. Phillipsburg High School in New Jersey. 19 Q. Phillipsburg, you said? 20 A. Yes. Phillipsburg. 21 Q. Phillipsburg. And upon graduation, 22 what did you do by way of either further education 23 or employment? 24 A. I went on to Rutgers University. 25 Q. What did you study at Rutgers?</p>
<p>Tietjen - Direct/Bonjean Page 10</p> <p>1 state police; is that right? Not retired? 2 A. Yes. 3 Q. And how long have you worked for the 4 state police? 5 A. 24 years. 6 Q. And forgive my math, when did you -- 7 what year did you start with the state police? 8 A. 1995. I am in my 25th year. 9 Q. Okay. Did you work in any law 10 enforcement capacities prior to working for the 11 state police? 12 A. No, I did not. 13 Q. So as a Detective Sergeant, you said, 14 First Class, was that -- 15 A. Yes. 16 Q. What does that mean in terms of your 17 duties and responsibilities? 18 A. I am the assistant unit head of the Missing 19 Persons Unit for the state police. 20 Q. Has the state police always had a 21 Missing Persons Unit since your tenure there? 22 A. Yes. 23 Q. And what does the missing -- I mean, 24 apart from the obvious, but what does the Missing 25 Persons Unit do exactly?</p>	<p>Tietjen - Direct/Bonjean Page 12</p> <p>1 A. Criminal justice. 2 Q. And did you graduate Rutgers? 3 A. Yes. 4 Q. What type of degree did you earn? 5 A. It was a Bachelor's of Science in 6 administration of justice. 7 Q. I'm sorry. Could you repeat that 8 again? 9 A. It was a -- my degree was administration of 10 justice. 11 Q. Was it a bachelor's degree or 12 associate's? 13 A. Bachelor's. 14 Q. Did you work while you were in 15 college? 16 A. Only construction. Yes, I did. 17 Q. Okay. Not law enforcement, but some 18 other type? 19 A. No, no. Summer work. 20 Q. Understood. And upon graduating from 21 Rutgers -- what year did you graduate, first of 22 all? 23 A. 1995. 24 Q. Okay. So, in 1995, then you went and 25 worked for the state police; is that right?</p>

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<p>Tietjen - Direct/Bonjean Page 13</p> <p>1 A. Correct.</p> <p>2 Q. Okay. Did you have to take any type</p> <p>3 of exam to be considered for a position with the</p> <p>4 state police?</p> <p>5 A. Yes.</p> <p>6 Q. What type of exam was that?</p> <p>7 A. It was a written exam. And that was in</p> <p>8 1994 I took that exam.</p> <p>9 Q. And is the state police like a civil</p> <p>10 service jurisdiction type of --</p> <p>11 A. It's not a civil service exam. It's a</p> <p>12 separate state police exam.</p> <p>13 Q. Okay. All right. And did you apply</p> <p>14 to any other law enforcement agencies other than</p> <p>15 the state police?</p> <p>16 A. I applied. An application. I never took</p> <p>17 any other tests.</p> <p>18 Q. Okay. And what department was that?</p> <p>19 A. That was South Brunswick Police Department.</p> <p>20 Q. Now, after you took the test, I</p> <p>21 assume you were offered a position at some point;</p> <p>22 is that right?</p> <p>23 A. Yes.</p> <p>24 Q. And you accepted that position? Tell</p> <p>25 me about, upon acceptance of that position, did you</p>	<p>Tietjen - Direct/Bonjean Page 15</p> <p>1 A. Approximately six months.</p> <p>2 Q. And what was involved in that?</p> <p>3 A. It was a general road duty assignment where</p> <p>4 you were assigned to a squad and you patrolled</p> <p>5 towns covered by the state police in Sussex</p> <p>6 County.</p> <p>7 Q. And did you do like traffic stops and</p> <p>8 things like that?</p> <p>9 A. Yeah, it was a full police entity. Traffic</p> <p>10 stops, accidents, domestics, anything that</p> <p>11 occurred within those municipalities that we</p> <p>12 covered.</p> <p>13 Q. Okay. And after that assignment,</p> <p>14 where did you go?</p> <p>15 A. I went on to Hope Station.</p> <p>16 Q. Same type of work?</p> <p>17 A. Yes.</p> <p>18 Q. And from there, where did you head?</p> <p>19 A. I went to Perryville Station.</p> <p>20 Q. Did there come a time when you held</p> <p>21 an assignment that was not your trooper duties that</p> <p>22 you've described, if that makes sense?</p> <p>23 A. Yes.</p> <p>24 Q. When was that?</p> <p>25 A. In May of 1999, I was moved into a</p>
<p>Tietjen - Direct/Bonjean Page 14</p> <p>1 go through some type of academy?</p> <p>2 A. Yes.</p> <p>3 Q. And how long did that academy last?</p> <p>4 A. I believe it was 26 weeks.</p> <p>5 Q. And as part of the academy, did you</p> <p>6 get any training, formalized or otherwise, in</p> <p>7 investigations, conducting investigations?</p> <p>8 A. After the academy you're asking? I don't</p> <p>9 understand what you're asking.</p> <p>10 Q. Yeah, sure. As part of your police</p> <p>11 academy training, did you receive any instruction</p> <p>12 in conducting investigations?</p> <p>13 A. In the academy, I believe it was very basic</p> <p>14 investigating.</p> <p>15 Q. And after your 26 weeks at the</p> <p>16 academy, I assume you were given your first</p> <p>17 assignment; is that right?</p> <p>18 A. Yes.</p> <p>19 Q. And where were you assigned?</p> <p>20 A. Sussex Station in Troop B.</p> <p>21 Q. Okay. And what was -- what's your</p> <p>22 rank coming right out of the academy?</p> <p>23 A. Trooper.</p> <p>24 Q. Trooper. How long did you hold that</p> <p>25 assignment?</p>	<p>Tietjen - Direct/Bonjean Page 16</p> <p>1 detective position as a station detective.</p> <p>2 Q. Okay. So would it be fair to say</p> <p>3 that between 1995 and 1999, you worked as a trooper</p> <p>4 doing, I don't want to say basic, but basic trooper</p> <p>5 duties?</p> <p>6 A. Yes.</p> <p>7 Q. And was the May 1999 assignment a</p> <p>8 promotion?</p> <p>9 A. No. It's just a status change. You put in</p> <p>10 for the job.</p> <p>11 Q. Okay. And did you ask for that --</p> <p>12 ask to be a detective, or how did you do that?</p> <p>13 A. You submit a resume, application. You go</p> <p>14 before a board, and you're selected after board</p> <p>15 interviews and a review of your resume.</p> <p>16 Q. Is it a competitive process?</p> <p>17 A. Yes.</p> <p>18 Q. Now, after you were selected for that</p> <p>19 assignment, did you have to undergo any specific</p> <p>20 training related to conducting investigations?</p> <p>21 A. Yes.</p> <p>22 Q. How long did that training last?</p> <p>23 A. I think the initial class was about two</p> <p>24 weeks, and then there were various classes that</p> <p>25 you would be assigned throughout your different</p>

<p>Tietjen - Direct/Bonjean Page 17</p> <p>1 time in the career.</p> <p>2 Q. I see. So kind of like continuing</p> <p>3 studies? Maybe that's the wrong word. But you had</p> <p>4 in-services or continuing training after that two</p> <p>5 weeks; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. Are you able to, again, to the best</p> <p>8 of your ability, summarize for me what your</p> <p>9 training looked like during those two weeks that</p> <p>10 you were training to be a detective?</p> <p>11 A. It's a basic criminal inves school that all</p> <p>12 detectives have to go to, and it covers all facets</p> <p>13 of state police investigative entities. More of</p> <p>14 like an introduction to, and they provide you with</p> <p>15 guidance on different cases in going through, and</p> <p>16 it's required before you can be -- your rank can</p> <p>17 be designated as detective.</p> <p>18 Q. Did you learn, for instance, how to</p> <p>19 conduct interviews of witnesses or suspects that</p> <p>20 might be involved in an investigation?</p> <p>21 A. I imagine it was in the class, but I also</p> <p>22 attended, like, interviewing/interrogation school</p> <p>23 as well.</p> <p>24 Q. I see. Do you remember approximately</p> <p>25 when you did that?</p>	<p>Tietjen - Direct/Bonjean Page 19</p> <p>1 thefts probably would be our most common.</p> <p>2 Q. I see. And how did that work with</p> <p>3 local municipalities, police departments? I mean,</p> <p>4 how did you decide -- or how was it decided whether</p> <p>5 or not a state trooper would conduct an</p> <p>6 investigation into say a burglary versus whatever</p> <p>7 local municipality was, law enforcement agency, was</p> <p>8 policing the area where -- that's a terrible</p> <p>9 question -- but I hope you understand what I'm</p> <p>10 saying.</p> <p>11 If a burglary occurred in a</p> <p>12 municipality where there was a law enforcement</p> <p>13 agency, how was it determined whether you would</p> <p>14 handle that or the local law enforcement agency</p> <p>15 would handle it?</p> <p>16 A. We would not cover any cases that were</p> <p>17 handled by a local law enforcement agency.</p> <p>18 Q. I see. So your jurisdiction were</p> <p>19 areas that were not covered by local law</p> <p>20 enforcement agencies; is that right?</p> <p>21 A. Yes.</p> <p>22 Q. Did you stay at Washington Station</p> <p>23 for a period of time?</p> <p>24 A. Yes.</p> <p>25 Q. How long?</p>
<p>Tietjen - Direct/Bonjean Page 18</p> <p>1 A. No. I would have to look at the</p> <p>2 transcript.</p> <p>3 Q. Fair enough. I may ask you some more</p> <p>4 questions about your training later, but we'll move</p> <p>5 on.</p> <p>6 After you completed the training, you</p> <p>7 now are assigned as a detective. Do you have a</p> <p>8 particular physical location where you're assigned?</p> <p>9 A. Yes. I was assigned at Washington Station.</p> <p>10 Q. Washington Station. And what were</p> <p>11 your day-to-day duties as a detective at the</p> <p>12 Washington Station?</p> <p>13 A. It was investigative assistance for the</p> <p>14 troopers who were on the road assigned to the</p> <p>15 station, and then we would follow up on</p> <p>16 investigations that they initiated, needed further</p> <p>17 assistance. We reviewed their investigations.</p> <p>18 And then we would take our own investigations, if</p> <p>19 someone called directly to us to handle within the</p> <p>20 communities we patrolled.</p> <p>21 Q. I see. What types of investigations</p> <p>22 would you say were most common? Again, we're</p> <p>23 talking in 1999 when you were working in this</p> <p>24 detective position.</p> <p>25 A. We would get involved in burglaries and</p>	<p>Tietjen - Direct/Bonjean Page 20</p> <p>1 A. Approximately a year.</p> <p>2 Q. Do you recall where you went after</p> <p>3 that?</p> <p>4 A. Sussex Station.</p> <p>5 Q. Again, doing the same type of work?</p> <p>6 A. Yes.</p> <p>7 Q. And how long were you at Sussex?</p> <p>8 A. Approximately a year and a half.</p> <p>9 Q. Okay. So does that bring us to like</p> <p>10 early 2000s?</p> <p>11 A. Yes.</p> <p>12 Q. All right. Again, were you doing the</p> <p>13 same type of work there?</p> <p>14 A. Yes, yes.</p> <p>15 Q. Same types of investigations that you</p> <p>16 were conducting?</p> <p>17 A. Yes.</p> <p>18 Q. Had you worked on any murder</p> <p>19 investigations at that point?</p> <p>20 A. No. Oh, when I was at Sussex, I was</p> <p>21 assigned to like a long-term multi-victim case as</p> <p>22 part of the task force.</p> <p>23 Q. Okay. Is that how state police</p> <p>24 usually get involved in serious investigations,</p> <p>25 like murder investigations, usually as part of a</p>

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<p>Tietjen - Direct/Bonjean Page 21</p> <p>1 task force?</p> <p>2 A. No. If we had a murder within our station</p> <p>3 area while I was assigned there, we would be the</p> <p>4 investigating authority for that. But this was a</p> <p>5 state police case that our Major Crime Unit was</p> <p>6 running that grabbed detectives for a task force</p> <p>7 in furtherance of that investigation.</p> <p>8 Q. I see. After Sussex, where did you</p> <p>9 go?</p> <p>10 A. I went to Newark Station on the New Jersey</p> <p>11 Turnpike.</p> <p>12 Q. Okay. And how long were you there?</p> <p>13 A. From roughly around 2000 -- end of 2001</p> <p>14 through January of 2006.</p> <p>15 Q. Okay. So for a while?</p> <p>16 A. Yes.</p> <p>17 Q. Did you still hold the same position</p> <p>18 while you were at Newark Station?</p> <p>19 A. Yes.</p> <p>20 Q. And that was as a detective?</p> <p>21 A. Yes. Station detective, yes.</p> <p>22 Q. Station detective. I'm sorry. I'm</p> <p>23 not used to the state law enforcement lingo as much</p> <p>24 as I am other departments, so bear with me if I</p> <p>25 need clarification or need you to repeat something.</p>	<p>Tietjen - Direct/Bonjean Page 23</p> <p>1 A. I was in two other units in the middle of</p> <p>2 that time as well.</p> <p>3 Q. Yeah. I think you said in 2006 and</p> <p>4 2008?</p> <p>5 A. Yes.</p> <p>6 Q. Where did you go?</p> <p>7 A. December 2008, I went on to the Fugitive</p> <p>8 Unit as a --</p> <p>9 Q. Fugitive Unit. Is that tracking down</p> <p>10 fugitives?</p> <p>11 A. Yes.</p> <p>12 Q. Any other assignments since 2001</p> <p>13 other than the Missing Persons Unit and the</p> <p>14 Fugitive Unit?</p> <p>15 A. The Alcohol Drug Test Unit.</p> <p>16 Q. The Alcohol Drug Test Unit?</p> <p>17 A. Yes.</p> <p>18 Q. What's that?</p> <p>19 A. That's -- they do the alcohol drug testing</p> <p>20 system. The Breathalyzer is, I guess, the easiest</p> <p>21 term.</p> <p>22 Q. When were you there?</p> <p>23 A. September of '12 through January of '13.</p> <p>24 Q. You mentioned that in addition to the</p> <p>25 two-week training that you underwent when you</p>
<p>Tietjen - Direct/Bonjean Page 22</p> <p>1 Where did you go after Newark</p> <p>2 Station?</p> <p>3 A. I went to the Missing Persons Unit.</p> <p>4 Q. Okay. And where is the Missing</p> <p>5 Persons Unit located?</p> <p>6 A. Division headquarters in West Trenton, New</p> <p>7 Jersey.</p> <p>8 Q. How many people make up the Missing</p> <p>9 Persons headquarters?</p> <p>10 A. Every year -- it depends. We've had a high</p> <p>11 of ten and probably a low of five.</p> <p>12 Q. And you said the Missing Persons Unit</p> <p>13 was in existence since you started in 1995, so it</p> <p>14 was already very much an operating unit at the time</p> <p>15 that you joined it; right?</p> <p>16 A. Yes.</p> <p>17 Q. Did you ask for that position, or</p> <p>18 were you assigned there?</p> <p>19 A. I asked.</p> <p>20 Q. Did you have -- what was your</p> <p>21 interest in working in the Missing Persons Unit?</p> <p>22 A. It was a type of investigation that I saw</p> <p>23 value or enjoyment in furthering.</p> <p>24 Q. Okay. Gotcha. Is it fair to say</p> <p>25 you've been there ever since?</p>	<p>Tietjen - Direct/Bonjean Page 24</p> <p>1 became a detective that there was additional</p> <p>2 training that you participated in over the course</p> <p>3 of your time in the Missing Persons Unit; is that</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. Can you tell me about what type of</p> <p>7 training you did apart from that two-week training</p> <p>8 related to conducting investigations, to the best</p> <p>9 of your memory?</p> <p>10 A. Sex crimes, interview/interrogation,</p> <p>11 identity theft. We have a money laundering on</p> <p>12 there, too. Trucks and terrorism. Some narcotics</p> <p>13 class.</p> <p>14 Q. I'm going to have you look at a</p> <p>15 document.</p> <p>16 A. A juvenile interview class I went through</p> <p>17 as well.</p> <p>18 Q. I am going to have you look at a</p> <p>19 document that we're going to mark. If you look at</p> <p>20 the file that you have, I believe it says "Training</p> <p>21 Records Tietjen."</p> <p>22 MS. BONJEAN: And I think you have</p> <p>23 that also, Audrey.</p> <p>24 (Tietjen-1, Tietjen Training Records,</p> <p>25 Bates NJSP EVANS 503 through 506, was received and</p>

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<p>Tietjen - Direct/Bonjean Page 25</p> <p>1 marked for identification.)</p> <p>2 Q. Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. I have handed you what we are going</p> <p>5 to mark as Tietjen-1. Do you recognize that</p> <p>6 document, Mr. Tietjen?</p> <p>7 A. Yes.</p> <p>8 Q. I'm sorry. And I know you are still</p> <p>9 sworn personnel, so I don't mean to call you</p> <p>10 Mister. Sergeant Tietjen. Is that right?</p> <p>11 A. Yes.</p> <p>12 Q. What do you recognize that document</p> <p>13 to be?</p> <p>14 A. It's our online list of courses, ranking,</p> <p>15 and organizations you were part of throughout your</p> <p>16 career.</p> <p>17 Q. Does that reflect the trainings you</p> <p>18 received over the course of your time with the</p> <p>19 state police, I guess at least between -- it says</p> <p>20 '89. I think -- I don't know if that's accurate.</p> <p>21 That might be a typo.</p> <p>22 A. That's a typo.</p> <p>23 Q. Yeah, because I know you said you</p> <p>24 didn't start there until '95, so... But does this</p> <p>25 generally reflect the class work and training you</p>	<p>Tietjen - Direct/Bonjean Page 27</p> <p>1 Q. And are there different levels of</p> <p>2 being a detective, I assume? Sounds so.</p> <p>3 A. Yes.</p> <p>4 Q. Is that based on experience?</p> <p>5 A. It's a year of service.</p> <p>6 Q. Okay. And apart from the different</p> <p>7 levels of detectives, what's the next rank up from</p> <p>8 there?</p> <p>9 A. It would be Detective Sergeant.</p> <p>10 Q. And is that what you are?</p> <p>11 A. No. I'm a Detective Sergeant First Class.</p> <p>12 I'm the next above.</p> <p>13 Q. Okay. And how many detective levels</p> <p>14 are there, or is it as many as your years are?</p> <p>15 A. No, there's -- well, there's -- you could</p> <p>16 be a Detective, a Detective 2, a Detective 1, a</p> <p>17 Detective Sergeant, and then a Detective Sergeant</p> <p>18 First Class.</p> <p>19 Q. So you are a Detective Sergeant First</p> <p>20 Class. And tell me when did you become first a</p> <p>21 Detective Sergeant?</p> <p>22 A. In 2000 -- well, I was trained through the</p> <p>23 Fugitive Unit. Our process is related to you're</p> <p>24 in an acting capacity. So I was a Detective</p> <p>25 Sergeant there, and I was promoted while I was in</p>
<p>Tietjen - Direct/Bonjean Page 26</p> <p>1 received between '95 and November of 2017?</p> <p>2 A. It does, except for portions that were</p> <p>3 outside of an SP program.</p> <p>4 Q. I'm sorry. Can you repeat that?</p> <p>5 A. You could take a course, like I've taken</p> <p>6 courses, and you have to fill out documentation,</p> <p>7 either include it into in your resume or not. So</p> <p>8 in my recent term, many of my recent classes are</p> <p>9 not on here at all because it would require me to</p> <p>10 fill out a form and submit it, and there's -- no,</p> <p>11 they are not listed.</p> <p>12 Q. Okay. Fair enough. What about,</p> <p>13 let's say, would you say it's accurate to the</p> <p>14 extent that it reflects your training between,</p> <p>15 we'll say, January of 2007 through October of 2012?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Now, at some point you sought</p> <p>18 a promotion and received a promotion; am I right?</p> <p>19 A. All of my promotions were not sought. They</p> <p>20 were -- you're selected.</p> <p>21 Q. Gotcha. And when you were working in</p> <p>22 the Missing Persons Unit between 2001 and 2006,</p> <p>23 what was your rank?</p> <p>24 A. I was Detective -- I was Detective 1 at the</p> <p>25 time.</p>	<p>Tietjen - Direct/Bonjean Page 28</p> <p>1 the Fugitive Unit to Detective Sergeant. And that</p> <p>2 was in, I think -- my promotion came out</p> <p>3 September 25th of '10. 2010.</p> <p>4 Q. And these assignments that are listed</p> <p>5 in Tietjen-1, does that appear to be an accurate</p> <p>6 reflection of your assignments?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Great. You can put that</p> <p>9 aside.</p> <p>10 (Videographer joined proceedings.)</p> <p>11 THE VIDEOGRAPHER: My name is John</p> <p>12 Edmunds. I'll be operating the videotape</p> <p>13 equipment this morning and this afternoon.</p> <p>14 MS. BONJEAN: I think for the</p> <p>15 purposes of the video, I'm just going to ask --</p> <p>16 I'm not going to go back over anything. I'm just</p> <p>17 going to ask him to reintroduce himself, spell his</p> <p>18 name for the record for purposes of the video.</p> <p>19 THE WITNESS: William Tietjen,</p> <p>20 Junior.</p> <p>21 THE VIDEOGRAPHER: Before you do</p> <p>22 that, sir, let me just put you on the screen. Who</p> <p>23 is the witness? Could you raise your hand,</p> <p>24 please? Very good. You can proceed.</p> <p>25 MS. BONJEAN: Thank you.</p>

<p>Tietjen - Direct/Bonjean Page 29</p> <p>1 BY MS. BONJEAN:</p> <p>2 Q. I am going to ask the deponent to</p> <p>3 please, for about the fifth time, identify himself</p> <p>4 for the videographer's purpose, and spell your full</p> <p>5 name again, sir.</p> <p>6 A. William H. Tietjen, Junior. First name</p> <p>7 W-I-L-L-I-A-M. Middle initial is H. Last name is</p> <p>8 T-I-E-T-J-E-N. Junior, J-R.</p> <p>9 Q. Thank you. We just left off talking</p> <p>10 a little bit about your employment history. I</p> <p>11 wanted to move on to ask you what, sir, did you do</p> <p>12 to prepare for your deposition here today?</p> <p>13 A. I reviewed the documents that were provided</p> <p>14 to me last evening.</p> <p>15 Q. And did you take any other actions in</p> <p>16 preparation for your deposition here today other</p> <p>17 than looking at the documents that were sent along</p> <p>18 to you?</p> <p>19 A. No, I did not.</p> <p>20 Q. And without revealing any</p> <p>21 communications, can you tell me whether you met</p> <p>22 with your attorneys in preparation for your</p> <p>23 deposition here today?</p> <p>24 A. I had phone conversations.</p> <p>25 Q. How many phone conversations did you</p>	<p>Tietjen - Direct/Bonjean Page 31</p> <p>1 complaint, what's your understanding of what</p> <p>2 Mr. Evans is complaining about?</p> <p>3 A. I believe he's stating he was wrongfully</p> <p>4 accused of this crime.</p> <p>5 Q. Okay. Now, you know that there were</p> <p>6 many defendants that were named along with yourself</p> <p>7 in this case, and now there is a smaller group of</p> <p>8 defendants. I want to ask you about some of them.</p> <p>9 Well, first let me start, were you</p> <p>10 the only state police officer who worked on this</p> <p>11 investigation?</p> <p>12 A. No.</p> <p>13 Q. Okay. How many state police</p> <p>14 personnel worked on this, if you know?</p> <p>15 A. I don't know. I know we had a detective in</p> <p>16 1988, I guess, and a polygraphist helped as well.</p> <p>17 (Reporter requested clarification.)</p> <p>18 MS. BONJEAN: I think he said a --</p> <p>19 THE WITNESS: He did a polygraph.</p> <p>20 Q. I almost said polygamist, but I know</p> <p>21 that's not what --</p> <p>22 A. Polygraphist. A guy in our Polygraph Unit.</p> <p>23 Q. Do you know Mr. Hadley? Or I don't</p> <p>24 know if he's retired right now. But do you know</p> <p>25 Joe Hadley?</p>
<p>Tietjen - Direct/Bonjean Page 30</p> <p>1 have?</p> <p>2 A. A total of three.</p> <p>3 Q. Can you estimate how long each of</p> <p>4 those conversations lasted?</p> <p>5 A. I believe the first two were more</p> <p>6 introductory in setting up previous dates. And</p> <p>7 then last night we spoke for about 15 minutes, I</p> <p>8 guess.</p> <p>9 Q. Have you read the complaint in this</p> <p>10 case, Sergeant Tietjen?</p> <p>11 A. I saw a copy of it years ago. I do not</p> <p>12 have a copy of it now.</p> <p>13 Q. That's fine. I just wasn't sure if</p> <p>14 you ever had a chance to look at it. But it's not</p> <p>15 something you looked at recently; correct?</p> <p>16 A. No.</p> <p>17 Q. And what's your understanding of why</p> <p>18 you have been sued in connection with this case?</p> <p>19 A. Because I was part of the investigation.</p> <p>20 Q. What is your understanding of why</p> <p>21 there is a lawsuit being brought in connection with</p> <p>22 this case for any reason, if you know?</p> <p>23 A. I don't know, except for what the complaint</p> <p>24 stated.</p> <p>25 Q. And based on your recollection of the</p>	<p>Tietjen - Direct/Bonjean Page 32</p> <p>1 A. I know him from working with him on this</p> <p>2 case, yes.</p> <p>3 Q. And have you had any contact with him</p> <p>4 since 2011?</p> <p>5 A. Not that I can -- no.</p> <p>6 Q. Okay. Do you remember the last time</p> <p>7 you spoke to Detective Hadley?</p> <p>8 A. Probably around the time of the trial.</p> <p>9 Q. But you haven't maintained any</p> <p>10 contact with him since the trial?</p> <p>11 A. No.</p> <p>12 Q. And have you had any conversations</p> <p>13 with Detective Hadley in connection with the civil</p> <p>14 lawsuit that was brought by Mr. Evans?</p> <p>15 A. No.</p> <p>16 Q. What about Chief Henry, when is the</p> <p>17 last time you spoke to Chief Henry about the</p> <p>18 subject matter of this case?</p> <p>19 A. Probably, again, the same time of trial.</p> <p>20 Q. So Chief Henry and Detective Hadley</p> <p>21 are not individuals who you maintain contact with;</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. What about Lieutenant Carrega, now</p> <p>25 retired, I believe, when was the last time you</p>

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<p>Tietjen - Direct/Bonjean Page 33</p> <p>1 spoke to him?</p> <p>2 A. The trial as well.</p> <p>3 Q. All right. I want to now hone in a</p> <p>4 little bit about -- in on your work on the five</p> <p>5 missing boys. And to the extent that you need to</p> <p>6 refresh your recollection, that's fine. I may ask</p> <p>7 you to try to remember to the best of your ability,</p> <p>8 and then we'll see how far we get, and then we can</p> <p>9 refer to your reports, if necessary. Okay?</p> <p>10 A. Yes.</p> <p>11 Q. Do you recall when it was that you</p> <p>12 became involved in the investigation of the missing</p> <p>13 boys from Newark that went missing in 1978?</p> <p>14 A. May of 2008.</p> <p>15 Q. And describe for me the circumstances</p> <p>16 under which you were brought into the case?</p> <p>17 A. Lieutenant Carrega from the Essex County</p> <p>18 Prosecutor's Office contacted my unit looking for</p> <p>19 any assistance or any reports that we might have</p> <p>20 had from the prior involvement in this case.</p> <p>21 Q. And when Lieutenant Carrega contacted</p> <p>22 your unit, would that have been the Missing Persons</p> <p>23 Unit that you were working in?</p> <p>24 A. Yes.</p> <p>25 Q. And did you speak directly with</p>	<p>Tietjen - Direct/Bonjean Page 35</p> <p>1 A. Yes, yes.</p> <p>2 Q. Okay. I just want to make sure that</p> <p>3 we have the same document. And it is a report that</p> <p>4 is 19 pages; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Can you please identify this</p> <p>7 report?</p> <p>8 A. It's a supplemental investigation report</p> <p>9 that I authored.</p> <p>10 Q. All right. And this is your report;</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. And it has your signature on every</p> <p>14 page actually of this report; correct?</p> <p>15 A. Yes.</p> <p>16 Q. And you used the New Jersey State</p> <p>17 Police formatting for reflecting your work in this</p> <p>18 case; am I correct about that?</p> <p>19 A. Yes.</p> <p>20 Q. All right. So I am going to refer</p> <p>21 you to the first page, and there is some boxes that</p> <p>22 are on the first half of the page, but at the</p> <p>23 bottom it looks like it starts sort of a narrative</p> <p>24 of the work you did in connection with this</p> <p>25 investigation. Is that a fair characterization?</p>
<p>Tietjen - Direct/Bonjean Page 34</p> <p>1 Lieutenant Carrega when he called?</p> <p>2 A. That -- I have to look and see. I think I</p> <p>3 spoke to him later that date and set up a meeting</p> <p>4 with him. It was May 2nd when he called here, and</p> <p>5 then I think -- I would have to turn to the next</p> <p>6 page to see the exact date when I spoke to him.</p> <p>7 Q. Why don't we go ahead and mark your</p> <p>8 report now so that we can have that at your</p> <p>9 disposal.</p> <p>10 MS. BONJEAN: It is going to be, for</p> <p>11 everyone else, I believe it's, "Tietjen Sup</p> <p>12 6/25/2009." And if you could mark that, Audrey,</p> <p>13 as Tietjen-2, I guess.</p> <p>14 (Tietjen-2, Tietjen supplementary</p> <p>15 report dated 6/25/09, Bates ECPO 1343 through</p> <p>16 1361, was received and marked for identification.)</p> <p>17 Q. If you can pull that out and refer to</p> <p>18 it to the extent you need it. Okay?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. I'm first going to have you</p> <p>21 looked at what's now been marked as Tietjen-2, and</p> <p>22 I'm going to represent it bears a Bates stamp at</p> <p>23 the bottom that says, ECPO 001343 on the first</p> <p>24 page. Is that what you're showing as well,</p> <p>25 Sergeant?</p>	<p>Tietjen - Direct/Bonjean Page 36</p> <p>1 A. Yes.</p> <p>2 Q. All right. And I notice that the</p> <p>3 report is dated 6/25/2009. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Obviously, it reflects work that you</p> <p>6 did in May of 2008 and dates prior to June of 2009.</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. How did this report get prepared?</p> <p>10 I'll just leave the question as open-ended as that.</p> <p>11 How did it get prepared? If you understand. I can</p> <p>12 clarify if you don't.</p> <p>13 A. I typed the report for areas of the</p> <p>14 investigation that I was involved in.</p> <p>15 Q. Did you type the report on or around</p> <p>16 June 25th of 2009?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And all of the information</p> <p>19 that is reflected in this report that reflects law</p> <p>20 enforcement activity or investigative work that</p> <p>21 predated June 25th, 2009, did you get that</p> <p>22 information from your memory, or how did you</p> <p>23 memorialize information?</p> <p>24 A. I had notes.</p> <p>25 Q. So there were original notes that you</p>

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<p>Tietjen - Direct/Bonjean Page 37</p> <p>1 had?</p> <p>2 A. Yes.</p> <p>3 Q. How did you take notes back in, I</p> <p>4 guess, May of 2008?</p> <p>5 A. Either on a notepad or in a, like a binder</p> <p>6 pad.</p> <p>7 Q. So it was just like basically a</p> <p>8 regular notebook with blank pieces of paper?</p> <p>9 A. Yes.</p> <p>10 Q. And you would memorialize your work</p> <p>11 in that notebook, handwritten notes; is that --</p> <p>12 A. Yes, yes.</p> <p>13 Q. And then I assume in and around</p> <p>14 June 25th, 2009, you referred back to your notes to</p> <p>15 create this final document or final product; is</p> <p>16 that right?</p> <p>17 A. Yes.</p> <p>18 Q. What did you do with your original</p> <p>19 notes?</p> <p>20 A. Don't know.</p> <p>21 Q. Okay. Do you know whether or not you</p> <p>22 maintained them?</p> <p>23 A. Don't know.</p> <p>24 Q. Do you recall whether or not you</p> <p>25 provided those notes to, the original notes, to any</p>	<p>Tietjen - Direct/Bonjean Page 39</p> <p>1 but I haven't looked for original notes on this</p> <p>2 case.</p> <p>3 Q. Okay. And was it your practice to,</p> <p>4 once you put information from your handwritten</p> <p>5 notes into a final report, that you would hold onto</p> <p>6 your notes for a period of time, and not just in</p> <p>7 this case, but in any case?</p> <p>8 A. No. It would depend on what they were</p> <p>9 contained within, whether be a five-subject</p> <p>10 notepad that I continuously used throughout, or</p> <p>11 like a pad you keep in your rear pocket or in your</p> <p>12 coat pocket when you're working a job.</p> <p>13 Q. Okay. Did you eventually destroy or</p> <p>14 throw away your notes at some point? Again, I'm</p> <p>15 just going to direct you to your general habit or</p> <p>16 practice during this time period of 2008?</p> <p>17 A. Notepad, the small notepad, they would have</p> <p>18 been thrown away.</p> <p>19 Q. Okay. And was there any policy or</p> <p>20 practice of the department that required you to</p> <p>21 turn in your handwritten notes to somebody for</p> <p>22 preservation?</p> <p>23 A. Not that I can recall.</p> <p>24 Q. As you sit here today, you don't</p> <p>25 recall specifically what you did with your</p>
<p>Tietjen - Direct/Bonjean Page 38</p> <p>1 supervisor or any other individual?</p> <p>2 A. No.</p> <p>3 Q. You don't recall, or you're sure that</p> <p>4 you wouldn't have given them to somebody else?</p> <p>5 A. I'm pretty positive I didn't give them to</p> <p>6 anybody else.</p> <p>7 Q. Okay. You don't remember handing</p> <p>8 them over to the Essex County prosecutor; is that</p> <p>9 right?</p> <p>10 A. No.</p> <p>11 Q. So once you put your information into</p> <p>12 your final report, you kept your notes, but you</p> <p>13 don't recall what, if anything, you did with them;</p> <p>14 is that fair?</p> <p>15 A. Correct.</p> <p>16 Q. Do you know if you still have your</p> <p>17 notes?</p> <p>18 A. Don't know. I don't know.</p> <p>19 Q. Well, do you have any of your</p> <p>20 notes -- well, strike that.</p> <p>21 Let me ask you this. What was your</p> <p>22 habit back in 2008 in terms of maintaining your</p> <p>23 original notes, if you had one?</p> <p>24 A. I would have some binders that were still</p> <p>25 from different cases, just in a pile in my office,</p>	<p>Tietjen - Direct/Bonjean Page 40</p> <p>1 handwritten notes for the missing boys</p> <p>2 investigation; right?</p> <p>3 A. No, I don't recall.</p> <p>4 Q. But it sounds like it's possible that</p> <p>5 you may still have them; is that correct?</p> <p>6 A. I don't know.</p> <p>7 Q. Okay. Would you mind looking?</p> <p>8 A. I guess I could try to look, yeah.</p> <p>9 Q. Right. Thank you. I would ask that</p> <p>10 you, if you could, look for any original</p> <p>11 handwritten notes that you might have and then let</p> <p>12 your attorney know so they can let me know. Okay?</p> <p>13 A. Okay.</p> <p>14 Q. Looking at Tietjen-2, in the</p> <p>15 narrative section, you identified the missing young</p> <p>16 men who were juveniles at the time.</p> <p>17 Did you have any independent</p> <p>18 knowledge about this case prior to getting</p> <p>19 involved? The missing boys.</p> <p>20 A. I think I may have seen a news article on</p> <p>21 it at some point, or information, but not from my</p> <p>22 recollection.</p> <p>23 Q. And you also saw that there were</p> <p>24 suspects -- or you also list that there were</p> <p>25 suspects, Lee Evans and Philander Hampton; right?</p>

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<p>Tietjen - Direct/Bonjean Page 41</p> <p>1 A. Correct.</p> <p>2 Q. And, again, this would have been</p> <p>3 information that you obtained when you were first</p> <p>4 assigned to the case, I assume, since it's the</p> <p>5 start of your narrative; is that right?</p> <p>6 A. No.</p> <p>7 Q. I'm sorry?</p> <p>8 A. No, that's not true.</p> <p>9 Q. Okay. So what -- explain to me how</p> <p>10 the information got here at the beginning of your</p> <p>11 narrative?</p> <p>12 A. The spot where we would list suspects on</p> <p>13 our report?</p> <p>14 Q. Yeah.</p> <p>15 A. So throughout that time from May of 2008</p> <p>16 through the end of this report, those two</p> <p>17 individuals became suspects at some point in</p> <p>18 there.</p> <p>19 Q. I see. So this information that I</p> <p>20 will say is above the date, May 2nd, 2008, is</p> <p>21 information for summary information that you</p> <p>22 included when you prepared the report back in June</p> <p>23 of 2009, and for the record, that is your</p> <p>24 collective belief or understanding of the case;</p> <p>25 right?</p>	<p>Tietjen - Direct/Bonjean Page 43</p> <p>1 this investigation and possibly looking to see if</p> <p>2 he had reports on it.</p> <p>3 Q. So was his interest primarily to see</p> <p>4 what sort of paperwork the state police had</p> <p>5 generated in connection with the case previously?</p> <p>6 A. I don't know. He contacted for general</p> <p>7 assistance with the case.</p> <p>8 Q. What does general assistance mean to</p> <p>9 you?</p> <p>10 A. It would be somebody just calling, an</p> <p>11 agency calling to see if we, number one, had</p> <p>12 anything, if we knew of anything, and then</p> <p>13 potentially if we could offer them anything, or</p> <p>14 any assistance on the case.</p> <p>15 Q. Okay. And you said that you did</p> <p>16 eventually speak with Lieutenant Carrega yourself</p> <p>17 on May 2nd, 2008?</p> <p>18 A. Yes.</p> <p>19 Q. And was that in a subsequent</p> <p>20 conversation, or did Jones hand you the phone, or</p> <p>21 how did that work?</p> <p>22 A. I do not recall that.</p> <p>23 Q. Okay. Tell me what you recall about</p> <p>24 your conversation with Lieutenant Carrega on May</p> <p>25 2nd of 2008?</p>
<p>Tietjen - Direct/Bonjean Page 42</p> <p>1 A. Yes.</p> <p>2 Q. All right.</p> <p>3 (Reporter requested clarification.)</p> <p>4 Q. I'm still on the first page of your</p> <p>5 report. There is a narrative section that is</p> <p>6 preceded by the date May 2nd, 2008. Do you see</p> <p>7 that?</p> <p>8 A. Yes.</p> <p>9 Q. Now, what happened on May 2nd, 2008?</p> <p>10 A. That is the day that Lieutenant Carrega</p> <p>11 contacted my unit.</p> <p>12 Q. And when you say contacted your unit,</p> <p>13 do you recall if he spoke to you or someone else?</p> <p>14 A. No. He spoke to my assistant unit head at</p> <p>15 the time.</p> <p>16 Q. And was that Jones?</p> <p>17 A. Yes.</p> <p>18 Q. And do you know whether or not</p> <p>19 Mr. Jones -- well, strike that. I'm sorry.</p> <p>20 Did you have any conversations with</p> <p>21 Lieutenant Carrega on May 2nd of 2008?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. So what was your understanding</p> <p>24 of what Carrega told Jones?</p> <p>25 A. That he was looking for assistance with</p>	<p>Tietjen - Direct/Bonjean Page 44</p> <p>1 A. We set up -- agreed to meet on May 9th at</p> <p>2 the Essex County Prosecutor's Office.</p> <p>3 Q. What else did he tell you about the</p> <p>4 case?</p> <p>5 A. That -- he told me that he had a main</p> <p>6 suspect in the case of Lee Evans.</p> <p>7 Q. Did he tell you anything else about</p> <p>8 the case?</p> <p>9 A. Not on that date, no.</p> <p>10 Q. Now, I know you are looking at your</p> <p>11 report --</p> <p>12 A. Sure.</p> <p>13 Q. -- to refresh your recollection, and</p> <p>14 that's fine. I would just ask, though, that you</p> <p>15 also think about whether you have any additional,</p> <p>16 independent recollection of information that may</p> <p>17 have been communicated that is not reflected here</p> <p>18 because, for whatever reason, maybe you didn't</p> <p>19 think it was important to put in here.</p> <p>20 So, apart from what you have read on</p> <p>21 this report, can you think of any other information</p> <p>22 that Lieutenant Carrega provided to you during your</p> <p>23 phone conversation on May 2nd of 2008?</p> <p>24 A. No.</p> <p>25 Q. Do you recall whether in that phone</p>

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<p>Tietjen - Direct/Bonjean Page 45</p> <p>1 conversation he told you that he wanted you</p> <p>2 actively involved in the investigation or asked</p> <p>3 whether you would be interested in being involved</p> <p>4 in the investigation?</p> <p>5 A. No.</p> <p>6 Q. Did he explain to you who was in</p> <p>7 charge of the investigation?</p> <p>8 A. He was.</p> <p>9 Q. How did you -- well, strike that.</p> <p>10 He told he was in charge of the</p> <p>11 investigation or leading the investigation?</p> <p>12 A. He was -- he expressed to me he was on the</p> <p>13 Cold Case Unit for the Essex County Prosecutor's</p> <p>14 Office looking at this case, so that would mean he</p> <p>15 was the lead of that aspect.</p> <p>16 Q. Did he tell you who else was</p> <p>17 participating in this cold case investigation?</p> <p>18 A. Not that I recall.</p> <p>19 Q. Were you aware whether or not the</p> <p>20 Essex County Prosecutor's Office had a Cold Case</p> <p>21 Unit?</p> <p>22 A. No.</p> <p>23 Q. Were you familiar with the concept of</p> <p>24 a Cold Case Unit back in 2008?</p> <p>25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 47</p> <p>1 A. No.</p> <p>2 Q. He just said he believed that Lee</p> <p>3 Evans was the main suspect, and that was pretty</p> <p>4 much the extent of his -- the conversation?</p> <p>5 A. Well, I can't recall the exact</p> <p>6 conversation, but he had mentioned that Lee Evans</p> <p>7 was a suspect in their disappearance.</p> <p>8 Q. But you don't recall him mentioning</p> <p>9 anybody else as a suspect?</p> <p>10 A. No.</p> <p>11 Q. Now, it looks like that you -- he</p> <p>12 asked you to do something because you did some</p> <p>13 investigative work subsequent to that conversation;</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. What did you do?</p> <p>17 A. On May 8th, he contacted me again, and he</p> <p>18 was looking to speak to a potential witness,</p> <p>19 Philander Hampton.</p> <p>20 Q. I noticed in your report, if you look</p> <p>21 at page 2, you did do some, I guess, research into</p> <p>22 the --</p> <p>23 (Connectivity issues.)</p> <p>24 MR. VOMACKA: The audio cut off.</p> <p>25 Would you repeat that?</p>
<p>Tietjen - Direct/Bonjean Page 46</p> <p>1 Q. Okay. What was your understanding of</p> <p>2 what a Cold Case Unit does?</p> <p>3 A. That you would review cases that have</p> <p>4 extended beyond a certain period of time,</p> <p>5 typically identified by the department, at the</p> <p>6 time of it. It would then go into a Cold Case</p> <p>7 Unit. Whether it be Cold Case Missing Persons,</p> <p>8 Homicide, or Unidentified Remains.</p> <p>9 Q. And Lieutenant Carrega told you that</p> <p>10 they had a main suspect Lee Evans. Did he mention</p> <p>11 any other suspects in the case other than Lee Evans</p> <p>12 when he first spoke to you on May 2nd, 2008?</p> <p>13 A. No, he did not.</p> <p>14 Q. Did he mention how long the</p> <p>15 investigation had been going on since it had been</p> <p>16 reopened, if that makes sense?</p> <p>17 A. No.</p> <p>18 Q. I guess the better way to ask the</p> <p>19 question is did he tell you how long he had been</p> <p>20 working on this cold case prior to contacting you?</p> <p>21 A. No.</p> <p>22 Q. Did he indicate to you any theories</p> <p>23 about how he thought that the boys had either been</p> <p>24 murdered or had gone missing during this first</p> <p>25 conversation?</p>	<p>Tietjen - Direct/Bonjean Page 48</p> <p>1 MS. BONJEAN: Sure, yes.</p> <p>2 Q. Sergeant Tietjen, according to your</p> <p>3 report on page 2, it looks to me as if you did some</p> <p>4 research looking into the files that the state</p> <p>5 police may have had related to these missing boys;</p> <p>6 is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And did you do that because</p> <p>9 you were asked to do that, or did you do that just</p> <p>10 on your own as part of your inquiry?</p> <p>11 A. That would be on my own.</p> <p>12 Q. Did Lieutenant Carrega ask you to</p> <p>13 confirm, or try to find information that might</p> <p>14 confirm, whether or not the boys were still alive,</p> <p>15 or was it assumed that they were dead at that</p> <p>16 point?</p> <p>17 A. I believe we had a conversation at some</p> <p>18 point. I don't know which day. I know I checked</p> <p>19 Experian, which was a social security number</p> <p>20 search, as well as reviewing the entries.</p> <p>21 Q. Right. And I see that on the second</p> <p>22 page of your report, you mention that you looked at</p> <p>23 Experian. You said, Refer to Experian search</p> <p>24 results. What was the purpose in looking at</p> <p>25 Experian?</p>

<p>Tietjen - Direct/Bonjean Page 49</p> <p>1 A. It would list if they had credit, the 2 social security numbers that were included in the 3 missing persons entry, or had like a credit 4 report. 5 Q. And why would that be important 6 information to develop? 7 A. That would be potentially indicative of 8 either somebody using their number or them using 9 the number, whether their true name or on another 10 name. 11 Q. And if they were using their number, 12 what would that tell you? 13 A. It would just list that they had credit to 14 a specific address. Potentially a spouse as well. 15 Q. Would it also give you some 16 indication as to whether they were alive? 17 A. That their number potentially is alive, 18 yes. 19 Q. That's the reason you were looking; 20 right? 21 A. Yes. 22 Q. Now, it says here that you, on the 23 second page, that you contacted Lieutenant Carrega, 24 and you agreed to meet on May 9th, 2008, at the 25 Essex County Prosecutor's Office.</p>	<p>Tietjen - Direct/Bonjean Page 51</p> <p>1 One more time. When you spoke to 2 Lieutenant Carrega on May 8th, 2008, he told you 3 some additional information. Can you tell me again 4 what that information was? 5 A. He advised that he was looking to interview 6 a Philander Hampton. 7 Q. He wanted to interview a Philander 8 Hampton. And what did he want you to do to 9 facilitate or assist him in interviewing a 10 Philander Hampton? 11 A. It was just if I had any additional 12 databases that I had access to, to see if he could 13 locate additional information on him. 14 Q. And did you do that? 15 A. Yes. 16 Q. Did Carrega explain to you why he 17 wanted to interview Philander Hampton? 18 A. No. Just that his name was part of the 19 investigation. 20 Q. So at this point, you didn't really 21 have any knowledge about the case in terms of the 22 investigative work that had been conducted; you 23 were just doing some tasks that you were asked to 24 by Lieutenant Carrega up until May 8, 2008; is that 25 right?</p>
<p>Tietjen - Direct/Bonjean Page 50</p> <p>1 It says, "Lieutenant Carrega advised 2 that the main suspect in this investigation is Lee 3 Evans," who you've identified here. 4 You did then have a meeting face to 5 face with Lieutenant Carrega on May 8th; is that 6 right? 7 A. No. 8 Q. May 9th? 9 A. May 9th. 10 Q. Okay. Am I correct that even before 11 that meeting on May 9th, you had another 12 conversation with Lieutenant Carrega on May 8th? 13 A. Yes. 14 Q. What was the nature of that 15 conversation? 16 A. He contacted me and he advised he was 17 looking for information on an individual that he 18 wanted to speak to. 19 Q. And who was that individual that 20 Lieutenant Carrega wanted to speak to when he spoke 21 to -- 22 A. Philander Hampton. 23 Q. Okay. I'm going to ask you to let me 24 finish my question just so the record is clear. 25 Don't worry. It happens all the time.</p>	<p>Tietjen - Direct/Bonjean Page 52</p> <p>1 A. Yes. 2 Q. On May 8, 2008, I'm going to direct 3 you to this last sentence here, where you wrote, "I 4 also compared the five boys' physical information 5 to that of unidentified human remains recovered in 6 New Jersey, since their disappearance, but was 7 unable to locate any viable matches." 8 How did you do that? 9 A. Repeat the end of that question? 10 Q. How did you do that? What was that 11 work that you did? 12 A. We maintain a database, both paper and 13 spreadsheets of all our unidentified remains in 14 New Jersey. And there's data that's collected on 15 the entry that is part of that spreadsheet, so 16 you're able to look through for remains that would 17 be of a potential match to height, weight, year, 18 dates found, date of death, et cetera, and 19 locations of the find as well. 20 Q. And when you were putting in the 21 information, were you using the boys' physical 22 appearances as of the date they went missing? 23 A. Yes. And I'm not putting it in. I'm 24 looking at that information with that reflective 25 information.</p>

<p>Tietjen - Direct/Bonjean Page 53</p> <p>1 Q. Okay. So when you were doing that 2 analysis or that investigative -- strike that 3 When you were looking at this data, 4 you were using the age and date, or the age and 5 physical appearances of the boys from the date that 6 they went missing; correct? 7 A. Yes. 8 Q. You were looking for like teenage 9 boys, you weren't looking for grown men; am I 10 right? 11 A. Yes. 12 Q. And, again, that would be working 13 under the assumption, of course, that they actually 14 died in and around the time that they went missing; 15 correct? 16 A. Yes. 17 Q. All right. Now, on May 9th, you did 18 have that meeting with Lieutenant Carrega of the 19 Essex County Prosecutor's Office; is that right? 20 A. Yes. 21 Q. And just to be clear, the narrative 22 that you have written about that meeting as 23 reflected in your report came from your notes, not 24 from your memory; is that right? 25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 55</p> <p>1 A. Yes. 2 Q. And I asked you was that information 3 that you had as of May of 2008, and you said no, 4 that would have been, you know, after all of the 5 investigative work you did, that's where you 6 included that; is that right? 7 A. Yes. 8 Q. So would that lead you to believe 9 that you did not start preparing this report until 10 close in time to June 25th of 2009? 11 A. Probable somewhere within months of that 12 date. 13 Q. Okay. Now, without looking at your 14 report first, let's just go based off memory, tell 15 me what you remember about your meeting on May 9th, 16 2008, with Lieutenant Carrega? 17 A. I met with Lieutenant Carrega. He 18 expressed his thoughts on the case, his concerns 19 about Lee Evans, and the early processes of the 20 investigation, that he still felt Lee Evans was a 21 suspect in the case. 22 Q. Who else was present for that 23 meeting? 24 A. I don't recall. 25 Q. Were there other people present?</p>
<p>Tietjen - Direct/Bonjean Page 54</p> <p>1 Q. And they came from your notes that 2 had been taken a year earlier; right? 3 A. Yes. 4 Q. Did you prepare any reports 5 contemporaneous with your investigative work? 6 A. I don't know when I started typing this 7 report. The date reflects the completion of the 8 report. 9 Q. Um-hum. 10 A. I don't know when I started typing. I 11 could have started typing it months before. 12 Q. But not years before, not a year 13 before? 14 A. I don't know. 15 Q. Well, I mean you testified earlier 16 that that the report, which starts off with this 17 "Additional Missing Juveniles" and "Suspects" was 18 information that you put in after June 25th, or 19 around June 25, 2009; right? 20 A. Well, the report was completed June 25th, 21 2009, yes. 22 Q. Right. And I asked you earlier about 23 the first part of the narrative where it says 24 "Suspects" and "Additional Missing Juveniles." 25 Right?</p>	<p>Tietjen - Direct/Bonjean Page 56</p> <p>1 A. I don't believe so. I'd have to look at 2 the notes -- I mean, I would have to look at my 3 report to see if there was, but I don't believe 4 there was. 5 Q. Okay. And did he express to you 6 during that meeting any other leads that he was 7 looking at other than Lee Evans? 8 A. Not that I recall. 9 Q. Okay. How long did the meeting last? 10 A. I don't know. 11 Q. Well, was it like a five-minute 12 meeting, or was it a protracted meeting where he 13 explained to you, you know, a little bit about the 14 prior investigation and what they were doing up 15 until that point in May of 2008? 16 A. It probably would have been about an hour. 17 Q. All right. Did you leave the meeting 18 with an understanding of what the case was about? 19 A. To the best of my ability, yes. 20 Q. All right. And, again, what you have 21 contained in your written report, you pulled off 22 your notes that you took during the meeting? 23 A. Yes. 24 Q. What did Lieutenant Carrega say to 25 you about why he still believed that Lee Evans was</p>

<p>Tietjen - Direct/Bonjean Page 57</p> <p>1 the prime suspect in the case?</p> <p>2 A. The case had identified him early on from</p> <p>3 the date of who the boys were last with and that</p> <p>4 he still believed that information to be true.</p> <p>5 Q. Apart from the fact that Lee Evans</p> <p>6 was with the boys shortly before they disappeared,</p> <p>7 was there any other factual information that he</p> <p>8 provided to support his view that Lee Evans was the</p> <p>9 main suspect in the case?</p> <p>10 A. I mean we discussed other steps throughout</p> <p>11 the investigation that still pointed to Lee Evans.</p> <p>12 Q. Like what?</p> <p>13 A. Additional interviews, reviewing of</p> <p>14 interviews. He discussed the polygraph that Lee</p> <p>15 Evans had taken.</p> <p>16 Q. Well, what interviews did he identify</p> <p>17 led him to believe that Lee Evans was responsible</p> <p>18 for the boys' disappearance and presumed death?</p> <p>19 A. I don't recall. It was a generalization of</p> <p>20 the case stuff that he had.</p> <p>21 Q. Did you take any notes about those</p> <p>22 specifics?</p> <p>23 A. No, not more specific than that.</p> <p>24 Q. So as you sit here today, you can't</p> <p>25 identify for me any specific interview that he</p>	<p>Tietjen - Direct/Bonjean Page 59</p> <p>1 Q. All right. Okay. Did you see any</p> <p>2 reports from any experts that gave this new view</p> <p>3 that he had failed the test?</p> <p>4 A. No.</p> <p>5 Q. Did Lieutenant Carrega explain to you</p> <p>6 how he came to have new experts look at the</p> <p>7 polygraph results?</p> <p>8 A. No. I believe it was prior to his even</p> <p>9 involvement in the case that this review was done.</p> <p>10 Q. Do you know who conducted the review?</p> <p>11 A. I believe it's in one of the reports, but I</p> <p>12 don't recall.</p> <p>13 Q. And do you have an understanding of</p> <p>14 how polygraph tests work?</p> <p>15 A. Yes.</p> <p>16 Q. Do you find them to be a useful law</p> <p>17 enforcement tool?</p> <p>18 A. Yes.</p> <p>19 Q. You know, of course, that the results</p> <p>20 are inadmissible; right?</p> <p>21 A. Yes.</p> <p>22 Q. They were used pretty readily in this</p> <p>23 investigation; would you agree with that?</p> <p>24 A. Yes.</p> <p>25 Q. And would you agree that polygraphs,</p>
<p>Tietjen - Direct/Bonjean Page 58</p> <p>1 referenced that provided a factual basis to believe</p> <p>2 that Lee Evans was the main suspect, at least as of</p> <p>3 May 9, 2008?</p> <p>4 A. No.</p> <p>5 Q. Anything else that sticks out in</p> <p>6 terms of why Carrega believed that Lee Evans was</p> <p>7 the prime suspect, again, other than the fact that</p> <p>8 he was one of the last people to have been seen</p> <p>9 with the boys allegedly?</p> <p>10 A. No.</p> <p>11 Q. And you mentioned the polygraph.</p> <p>12 It's true that Mr. Evans had submitted to a</p> <p>13 polygraph examination back in 1978; right?</p> <p>14 A. I had not seen the report, but that's what</p> <p>15 I was told, yes.</p> <p>16 Q. And, allegedly, he passed that</p> <p>17 polygraph; correct?</p> <p>18 A. Yes.</p> <p>19 Q. Now, it says in your report that</p> <p>20 during your meeting with Carrega on May 9th, 2008,</p> <p>21 that there was a later examination of this 1978</p> <p>22 polygraph chart by outside experts and that there</p> <p>23 was a new view that he actually failed the test; is</p> <p>24 that right?</p> <p>25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 60</p> <p>1 to the extent that they are useful, are only as</p> <p>2 useful as the competence of the person</p> <p>3 administering them?</p> <p>4 A. Yes.</p> <p>5 Q. And how is it that -- or explain to</p> <p>6 me how is it that a second person could look at a</p> <p>7 polygraph examination and reach a different result?</p> <p>8 Is that plausible?</p> <p>9 A. I don't know enough about what the results</p> <p>10 they would look at to say.</p> <p>11 Q. But isn't part of reading a polygraph</p> <p>12 result connected to actually administering the</p> <p>13 polygraph test?</p> <p>14 A. They have some data that's set up from the</p> <p>15 test, I would imagine. I've seen now recent</p> <p>16 polygraphs, and you look at charts of the</p> <p>17 interview with reference to the questions they</p> <p>18 asked and by your responses, but I don't know what</p> <p>19 was done in 1978.</p> <p>20 Q. Have you ever heard of a situation</p> <p>21 where a polygraph examination is conducted and the</p> <p>22 results are interpreted by the person who</p> <p>23 administered the test, but then later a different</p> <p>24 expert reaches a different conclusion about those</p> <p>25 polygraph results? Aside from this case, have you</p>

<p>Tietjen - Direct/Bonjean Page 61</p> <p>1 ever heard of that?</p> <p>2 A. I don't recall.</p> <p>3 Q. And, again, in your work as 25 years</p> <p>4 as a law enforcement officer, have you ever heard</p> <p>5 of a single other circumstance where a polygraph</p> <p>6 expert who did not administer a test later came and</p> <p>7 reviewed the reports of a previously-given</p> <p>8 polygraph and reached a different result?</p> <p>9 A. I can't recall a case, no.</p> <p>10 Q. Do you know if that's in keeping with</p> <p>11 law enforcement standards? National standards,</p> <p>12 we'll say?</p> <p>13 A. I don't know what any of the Polygraph Unit</p> <p>14 in our agency, and I don't know much about what</p> <p>15 was done back then.</p> <p>16 Q. I'm talking about now. Is that</p> <p>17 something that you have seen done in say the last</p> <p>18 five years?</p> <p>19 A. Like I stated, I'm not in our Polygraph</p> <p>20 Unit, so if the supervisors review their charts to</p> <p>21 concur or differ -- I've used polygraphs in the</p> <p>22 past, but I have not administered them, and</p> <p>23 certainly not every one of the, you know,</p> <p>24 responses from being truthful and honest or</p> <p>25 accepted, so that's... I mean, people are trying</p>	<p>Tietjen - Direct/Bonjean Page 63</p> <p>1 interviews?</p> <p>2 A. I offered my assistance, and he accepted.</p> <p>3 Q. Okay. And did he explain to you who</p> <p>4 else was on this team for re-investigating the</p> <p>5 missing boys?</p> <p>6 A. At some point, Detective Joe Hadley and</p> <p>7 Agent Eutsey were introduced to me, but I don't</p> <p>8 know what date.</p> <p>9 Q. What was your understanding of who</p> <p>10 had handled the investigation prior to Lou Carrega</p> <p>11 taking it up?</p> <p>12 MR. LIPSHUTZ: Objection to the form</p> <p>13 of the question. You can answer it, sir.</p> <p>14 A. Repeat the question, please.</p> <p>15 Q. Yes. What was your understanding of</p> <p>16 who had handled the investigation of the missing</p> <p>17 boys prior to 2007/2008 when Lieutenant Carrega</p> <p>18 undertook that investigation?</p> <p>19 A. The Newark Police Department.</p> <p>20 Q. One of your responsibilities, it</p> <p>21 looks like, was to obtain DNA samples from</p> <p>22 surviving family members; is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. What was the purpose in doing that?</p> <p>25 A. It's to identify remains of missing people</p>
<p>Tietjen - Direct/Bonjean Page 62</p> <p>1 to do tricks to try to alter the test as well.</p> <p>2 But beyond that, I don't know who reviews or what</p> <p>3 type of policy there is in place to verify that</p> <p>4 that polygraphist got a accurate response or came</p> <p>5 up with an accurate solution to that.</p> <p>6 Q. Have you administered a polygraph</p> <p>7 test yourself?</p> <p>8 A. No.</p> <p>9 Q. So it sounds like you've used them,</p> <p>10 you've worked with them, but you wouldn't consider</p> <p>11 yourself an expert; is that fair?</p> <p>12 A. My use has --</p> <p>13 (Reporter requested clarification.)</p> <p>14 A. Just calling one of the polygraphist in our</p> <p>15 unit to perform the test. That would be as far as</p> <p>16 my involvement.</p> <p>17 Q. Okay. You indicate in your police</p> <p>18 report marked as Tietjen-2 that during this</p> <p>19 meeting, Lieutenant Carrega indicated that he</p> <p>20 wanted to re-interview Lee Evans and also</p> <p>21 re-interview all persons who were involved in the</p> <p>22 case since 1978; is that accurate?</p> <p>23 A. Yes.</p> <p>24 Q. And did he indicate during the</p> <p>25 meeting that he wanted you to participate in those</p>	<p>Tietjen - Direct/Bonjean Page 64</p> <p>1 that were already recovered that we have DNA</p> <p>2 samples from.</p> <p>3 Q. Would you agree that --</p> <p>4 A. Patricia's Law --</p> <p>5 (Reporter requested clarification.)</p> <p>6 MS. BONJEAN: I think he said it was</p> <p>7 Patricia's Law.</p> <p>8 Q. Is that right?</p> <p>9 A. Patricia's Law was signed in March of that</p> <p>10 year 2008, which required us to assist or to get</p> <p>11 DNA for long-term missing persons cases. And at</p> <p>12 the time of the signing, it was 30 days is what</p> <p>13 they termed a long-term case.</p> <p>14 Q. Okay. Would you agree that one of</p> <p>15 your primary goals, or the team's primary goal, at</p> <p>16 least as communicated to you by Lieutenant Carrega,</p> <p>17 was to try to actually find the human remains of</p> <p>18 these boys, if you could; right?</p> <p>19 A. That would be a goal, yes.</p> <p>20 Q. Now, after -- strike that.</p> <p>21 What else, if anything, do you recall</p> <p>22 about the meeting with Lieutenant Carrega on</p> <p>23 May 9th, 2008?</p> <p>24 A. Not much more than that.</p> <p>25 Q. Did he provide you with any materials</p>

<p>Tietjen - Direct/Bonjean Page 65</p> <p>1 to look at?</p> <p>2 A. Not on that date, I don't believe.</p> <p>3 Q. At some point did he provide you with</p> <p>4 some?</p> <p>5 A. Yes.</p> <p>6 Q. Now, I notice your next entry on your</p> <p>7 report says on May 16, 2008, you conducted an</p> <p>8 in-depth review of a copy of a case file that was</p> <p>9 provided to you by Lieutenant Carrega; right? Is</p> <p>10 that a yes?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So does that lead you to</p> <p>13 believe that Lieutenant Carrega provided you with a</p> <p>14 copy of the case file prior to May 16, 2008?</p> <p>15 A. Yes.</p> <p>16 Q. And do you remember how he provided</p> <p>17 that to you? Was it in paper form, electronic</p> <p>18 form?</p> <p>19 A. I believe it was paper form.</p> <p>20 Q. And how large was the case file to</p> <p>21 best of your recollection?</p> <p>22 A. It was whatever, a brown large, like, legal</p> <p>23 envelope. You know, like, a file envelope. It</p> <p>24 was probably six inches in depth and height.</p> <p>25 Q. And what generally was contained</p>	<p>Tietjen - Direct/Bonjean Page 67</p> <p>1 Q. Did you want to see what evidence had</p> <p>2 been developed prior to May of 2008?</p> <p>3 A. Yes.</p> <p>4 Q. Were you interested in seeing what</p> <p>5 evidence specifically had been developed against or</p> <p>6 related to Lee Evans?</p> <p>7 A. Yes.</p> <p>8 Q. All right. Did Lieutenant Carrega</p> <p>9 tell you during your meeting either on May 9th, or</p> <p>10 any time prior to your review of the case, any of</p> <p>11 the other witnesses that he was interested in</p> <p>12 interviewing or re-interviewing?</p> <p>13 MS. ROSEN: Objection to form.</p> <p>14 MS. BONJEAN: I'm sorry. What did</p> <p>15 you say?</p> <p>16 MS. ROSEN: Objection to form. You</p> <p>17 can answer it.</p> <p>18 A. He advised that he wanted to re-interview</p> <p>19 all those that were available to re-interview.</p> <p>20 Q. Okay. Did you get the sense in May</p> <p>21 of 2008 that this was the beginning of his</p> <p>22 investigation, that he had not done too much work</p> <p>23 prior to this date?</p> <p>24 A. No. No, he indicated that he had worked on</p> <p>25 this.</p>
<p>Tietjen - Direct/Bonjean Page 66</p> <p>1 within the case file?</p> <p>2 A. Case notes on each of the people</p> <p>3 identified, any available Newark Police Department</p> <p>4 reports that were generated from back in 1978 and</p> <p>5 throughout, some newspaper articles, different</p> <p>6 statements of individuals as well.</p> <p>7 Q. Interviews?</p> <p>8 A. Yeah, interviews in written form.</p> <p>9 Q. Got it. And you said you conducted</p> <p>10 an in-depth review of the case file. What do you</p> <p>11 mean by that? What did you do?</p> <p>12 A. I went through it, what was provided to me,</p> <p>13 to get an understanding of what was done from day</p> <p>14 one through.</p> <p>15 Q. Does that mean you read the reports?</p> <p>16 A. Yes.</p> <p>17 Q. Looked at the interviews?</p> <p>18 A. Yes.</p> <p>19 Q. And why did you believe it was</p> <p>20 important to look at the prior case file in</p> <p>21 connection with your involvement?</p> <p>22 A. Well, my own understanding of the case.</p> <p>23 Q. Did you want to know what had been</p> <p>24 done prior to your involvement in the case?</p> <p>25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 68</p> <p>1 Q. How long did he independent -- for</p> <p>2 how long had he worked on it, to the best of your</p> <p>3 recollection?</p> <p>4 A. I do not recall.</p> <p>5 Q. But it was your belief that he had</p> <p>6 been working on it before he spoke with you; is</p> <p>7 that right?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know who he was working on the</p> <p>10 case, investigating the case with?</p> <p>11 A. I believe Agent Eutsey, but that's a</p> <p>12 recollection issue if he was or not.</p> <p>13 Q. And that's Detective Jack Eutsey, a</p> <p>14 Newark police officer; is that correct?</p> <p>15 MR. LIPSHUTZ: Objection to form.</p> <p>16 Sorry. You can answer it, sir.</p> <p>17 A. He was an agent of the Essex County</p> <p>18 Prosecutor's Office at the time.</p> <p>19 Q. Right. So -- and let me clarify.</p> <p>20 Was it your understanding that Detective Eutsey had</p> <p>21 retired from the Newark Police Department but had</p> <p>22 joined the Essex County Prosecutor's Office as an</p> <p>23 investigator?</p> <p>24 A. Yes.</p> <p>25 Q. All right. And so Detective Eutsey</p>

<p>Tietjen - Direct/Bonjean Page 69</p> <p>1 at the time that this investigation had, we'll say, 2 recommenced was already working for the 3 prosecutor's office; correct? 4 A. Yes. 5 Q. Did Lieutenant Carrega explain to you 6 what role, if any, Newark Police Department would 7 have in this reinvestigation of the missing boys 8 that started sometime before May of 2008? 9 MR. LIPSHUTZ: I'm going to object to 10 the form of the question. You can answer it, sir. 11 MR. VOMACKA: I'll join the objection 12 as to form. You can answer. 13 A. The role of Newark was -- 14 (Reporter requested clarification.) 15 A. The role of Newark Police Department was 16 explained to me -- I don't know if exactly that 17 date -- that they had a detective from Newark who 18 was going to assist as well, and that was later 19 identified as Joe Hadley. 20 Q. What about Detective Henry, or 21 Sergeant Henry, I believe, maybe at the time, what 22 was your understanding of what his role would be, 23 if any? 24 A. Early on, I believe he was Detective 25 Hadley's supervisor, and then he became involved</p>	<p>Tietjen - Direct/Bonjean Page 71</p> <p>1 Q. There is a "Hairston to from" and a 2 "Hairston reports." 3 Yeah, you were looking at the 4 Hairston. You can keep that handy. We're going to 5 look at that shortly but... 6 A. I have ECPO 003548. 7 Q. Yes. And that's been marked as 8 Tietjen-3. 9 Sir, do you recognize this collection 10 of materials? 11 A. Yes. 12 Q. And what do you recognize this to be? 13 A. Just materials of the reports dating back 14 to 1978. 15 Q. Does this appear to you to be a 16 collection of police reports that were prepared 17 from the date on which it was at least reported 18 that the boys had gone missing? 19 A. Yes. 20 Q. And can you tell from looking at this 21 report who the lead detective -- or who the 22 detective was that was responsible for preparing 23 these reports? 24 A. Detective Edward Hairston. 25 Q. Did you know Detective Edward</p>
<p>Tietjen - Direct/Bonjean Page 70</p> <p>1 as 2008 progressed. 2 Q. Okay. Did you have an understanding 3 of whether or not there had been prior efforts to 4 reinvestigate this case after the initial 5 investigation went cold? 6 A. There was many entries in the notes, and I 7 knew we didn't have all the reports. I was 8 advised there were other attempts to investigate, 9 but the reports were not provided. 10 MS. BONJEAN: Okay. I am going to 11 mark as an exhibit, and if anyone needs a break, 12 let me know. We can definitely break at any 13 point. I am going to mark as Tietjen-3 what I 14 believe is listed as the "Hairston reports," and 15 if you could pull that out. 16 (Tietjen-3, Hairston reports, Bates 17 ECPO 003548 through 003586, was received and 18 marked for identification.) 19 Q. It should have a Bates stamp at the 20 bottom right-hand corner that reflects ECPO 003548. 21 Do you see that collection of materials? 22 A. No. 23 Q. Okay. 24 A. I have a Newark 60 the bottom of the form I 25 have for Hairston.</p>	<p>Tietjen - Direct/Bonjean Page 72</p> <p>1 Hairston? 2 A. No. 3 Q. Have you ever met him? 4 A. No. 5 Q. I believe he's deceased. I could be 6 wrong. Do you know if he's deceased? 7 A. No. 8 Q. Now, would these reports be documents 9 that you reviewed in connection with your in-depth 10 review of the case file on May 16, 2008? 11 A. If they were all complete, the copy in 12 front of me, yes. 13 Q. And, again, I know you can't say 14 whether or not what you've been provided right this 15 second is exactly what you had in your case file, 16 but do you have a recollection of reviewing reports 17 that were prepared back in 1978 in connection with 18 the missing boys? 19 A. Yes. 20 Q. And do you have a recollection of 21 reviewing reports that had been prepared by 22 Detective Hairston? 23 A. Yes. 24 Q. Okay. Now, I'll have you look at the 25 other document you pulled out, which is a Hairston,</p>

<p>Tietjen - Direct/Bonjean Page 73</p> <p>1 I'm going to call it a -- I call it a "to from"</p> <p>2 report. Do you have that handy?</p> <p>3 (Tietjen-4, Bates Newark 60 through</p> <p>4 62, was received and marked for identification.)</p> <p>5 Q. I'm going to have you look at</p> <p>6 Tietjen-4. Tell me if you recognize this document?</p> <p>7 And by the way, the Bates stamp on this is Newark</p> <p>8 60 through 62.</p> <p>9 A. I don't recall reviewing this document.</p> <p>10 Q. I'm sorry?</p> <p>11 A. I don't recall reviewing this document.</p> <p>12 Q. You don't recall ever reviewing this</p> <p>13 document?</p> <p>14 A. No. I recall hearing about it. I don't</p> <p>15 recall reviewing it.</p> <p>16 Q. Well, I'm just going to, for the</p> <p>17 record, indicate that it appears to be, correct me</p> <p>18 if I'm wrong, a report from Detective Hairston to</p> <p>19 Lieutenant John Murphy, and it's dated March 15th,</p> <p>20 1979; right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. I'm going to give you a</p> <p>23 chance, if you could, if you could just take a look</p> <p>24 at it and let me know, take as much time as you</p> <p>25 want --</p>	<p>Tietjen - Direct/Bonjean Page 75</p> <p>1 A. He was probably the one who told me about</p> <p>2 it, but I don't recall the conversation.</p> <p>3 Q. And do you recall, whenever that</p> <p>4 conversation took place, that a psychic had been</p> <p>5 used and had referenced that the boys may have</p> <p>6 perished in a fire?</p> <p>7 A. I don't recall when that conversation would</p> <p>8 have taken place.</p> <p>9 Q. But do you remember at some point</p> <p>10 hearing that substantive conversation?</p> <p>11 A. I don't believe I remember anything about a</p> <p>12 fire. Just that a psychic -- I mean, psychics</p> <p>13 call at the time of missing persons cases, and I</p> <p>14 don't put much value in what they say. It's noted</p> <p>15 typically, but it's so vague and generic.</p> <p>16 Typically, they cover so many different</p> <p>17 possibilities that the scenario sometimes can have</p> <p>18 different links throughout. You know, they give</p> <p>19 you so much vague detail. My thought has always</p> <p>20 been just in this unit, If you know where they</p> <p>21 are, why aren't you out to that location pointing</p> <p>22 that out to us?</p> <p>23 I mean, pretty much any of our major</p> <p>24 cases, we have plenty of psychics calling up with</p> <p>25 all different dreams and stuff, so I don't put too</p>
<p>Tietjen - Direct/Bonjean Page 74</p> <p>1 A. I read through it last night.</p> <p>2 Q. Okay. Great. You're saving yourself</p> <p>3 and all of us time. And so, again, I'll ask you,</p> <p>4 having read it last night, you don't remember ever</p> <p>5 seeing this report; is that right?</p> <p>6 A. Not the -- well, I remember a psychic was</p> <p>7 involved at some point.</p> <p>8 (Reporter requested clarification.)</p> <p>9 A. I remember at some point in the</p> <p>10 investigation a psychic had been involved in the</p> <p>11 case, and it mentioned things, but I don't</p> <p>12 remember seeing this actual document.</p> <p>13 Q. And what do you remember about the</p> <p>14 psychic being involved in the case?</p> <p>15 A. I mean, I read through this last night. I</p> <p>16 was intrigued on this. She mentioned about a fire</p> <p>17 in here, but I don't recall specifics of what was</p> <p>18 stated to me early on the case.</p> <p>19 Q. When do you first recall hearing</p> <p>20 about a psychic being used in the case, if you --</p> <p>21 A. I don't, I don't know. No, I can't even</p> <p>22 recall.</p> <p>23 Q. Do you recall having any</p> <p>24 conversations with Lieutenant Carrega about the</p> <p>25 psychic being used in the case?</p>	<p>Tietjen - Direct/Bonjean Page 76</p> <p>1 much value on what's provided by them.</p> <p>2 Q. Okay. So your personal view is that</p> <p>3 psychics don't bring a lot of value to an</p> <p>4 investigation; is that fair?</p> <p>5 A. Yes.</p> <p>6 MS. BONJEAN: Okay. Give me one</p> <p>7 second, if you could. Actually, can we take a</p> <p>8 two-minute break? I think I want to pull a</p> <p>9 document out that I may or may not have already</p> <p>10 provided, but if we could -- let's take a</p> <p>11 two-minute break and reconvene, if that's okay.</p> <p>12 THE VIDEOGRAPHER: The time is 11:39</p> <p>13 a.m. Off the record.</p> <p>14 (Break taken.)</p> <p>15 THE VIDEOGRAPHER: The time is 11:45</p> <p>16 a.m. This begins DVD number two. Back on the</p> <p>17 record.</p> <p>18 Q. Thank you, Sergeant. I'm going to</p> <p>19 have you actually look at that larger collection of</p> <p>20 Hairston reports, which I believe is marked as</p> <p>21 Tietjen-3. Let me know when you're there.</p> <p>22 A. Sure.</p> <p>23 Q. Again, these are the reports that,</p> <p>24 again, if you had been provided with them, with the</p> <p>25 case file, this is what you would have looked at;</p>

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<p>Tietjen - Direct/Bonjean Page 77</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. And would you characterize this as a</p> <p>4 continuation report?</p> <p>5 A. It states that on the top.</p> <p>6 Q. What is a continuation report to the</p> <p>7 best of your understanding?</p> <p>8 A. It would be similar to my supplementary</p> <p>9 investigation report indicating that there was a</p> <p>10 prior report previous to that.</p> <p>11 Q. Do you happen to know whether or not</p> <p>12 the narrative that is contained in these reports,</p> <p>13 and I know that you did not prepare them, but do</p> <p>14 you happen to know whether they were prepared</p> <p>15 contemporaneous with the investigative conduct that</p> <p>16 was being taken at the time?</p> <p>17 A. No.</p> <p>18 Q. You don't know?</p> <p>19 A. No.</p> <p>20 Q. Okay. You will see, though, at the</p> <p>21 bottom of the report is, at least on the first</p> <p>22 page, is a date of September 15th, '78; right?</p> <p>23 A. Yes.</p> <p>24 Q. And that's at least three, it's at</p> <p>25 least three, close -- three weeks after the boys</p>	<p>Tietjen - Direct/Bonjean Page 79</p> <p>1 you were conducting a criminal investigation?</p> <p>2 A. No.</p> <p>3 Q. No?</p> <p>4 A. No.</p> <p>5 Q. Okay. How would that differ?</p> <p>6 A. Many of our reports in the state police go</p> <p>7 on months before you would type a report. We</p> <p>8 don't have an end-of-shift requirement. Different</p> <p>9 city departments will have at the end of your</p> <p>10 shift, you complete all your reports, and they are</p> <p>11 checked. We don't have that. We never have. I</p> <p>12 can type reports several months later and a set of</p> <p>13 my notes and type them. That's just the normal.</p> <p>14 Q. So it's your practice that you most</p> <p>15 likely do not prepare a report until the case is</p> <p>16 cleared?</p> <p>17 A. You got to repeat that again.</p> <p>18 Q. Is it your practice that you wouldn't</p> <p>19 prepare a formal report until the case is cleared?</p> <p>20 A. No, I wouldn't say that's correct.</p> <p>21 Q. Okay. Then what prompts you to file</p> <p>22 a formal report in an investigation?</p> <p>23 A. It depends at what point you are in it when</p> <p>24 you want to document it, what value points you</p> <p>25 have that you need to note. You know, if you're</p>
<p>Tietjen - Direct/Bonjean Page 78</p> <p>1 first are reported missing? Can we agree on that?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So, and it looks as if the</p> <p>4 report -- that the reports that are dated 9/15 goes</p> <p>5 up to page -- the first seven pages of this</p> <p>6 document. Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. And I'm just going to ask, you see at</p> <p>9 the very top of first page, it says page 1, and</p> <p>10 then if you count seven pages in, at the very top,</p> <p>11 it says page 7?</p> <p>12 A. Yes.</p> <p>13 Q. And they are all, at least they're</p> <p>14 approved as of September 15th, 1978; right?</p> <p>15 A. Yes.</p> <p>16 Q. So would it be fair to say based on</p> <p>17 your experience that at least the first seven pages</p> <p>18 were submitted initially at some point prior to</p> <p>19 September 15th, '78, and reflected investigative</p> <p>20 work that had been done prior to September 15th,</p> <p>21 1978?</p> <p>22 MR. LIPSHUTZ: Objection.</p> <p>23 A. Yes.</p> <p>24 Q. And is that sort of consistent with</p> <p>25 how you would prepare your own reports as well, if</p>	<p>Tietjen - Direct/Bonjean Page 80</p> <p>1 working with other agencies, do they then want</p> <p>2 that report, and what are you going to cover in</p> <p>3 your report, and that's decided as well.</p> <p>4 Q. Well, I thought you just said --</p> <p>5 maybe I misunderstood, though -- that an</p> <p>6 investigation could go on months and months before</p> <p>7 you prepared a report in a case; is that right?</p> <p>8 A. Yes.</p> <p>9 (Ashley Cohen joined proceedings.)</p> <p>10 Q. And would you agree that sometimes</p> <p>11 information you develop early in an investigation,</p> <p>12 you may not realize the significance of that</p> <p>13 information until later in the investigation?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And how do you ensure that you</p> <p>16 are memorializing all pertinent facts, or facts</p> <p>17 that may become pertinent, during the course of</p> <p>18 your investigation? Is that through your notes?</p> <p>19 A. Yes.</p> <p>20 Q. And then when you sit down to do your</p> <p>21 formal report, do you decide what information</p> <p>22 should go into the formal report?</p> <p>23 A. You go through your notes, and you write</p> <p>24 from your notes as to what you did.</p> <p>25 Q. I guess my question is do you put</p>

<p>Tietjen - Direct/Bonjean Page 81</p> <p>1 everything that is in your handwritten notes into 2 the formal report, or do you decide what you 3 believe to be the relevant factual points that you 4 want to include in the formal report? 5 A. If I am the only investigator, all of my 6 notes would go in my report. If I'm working in a 7 group, the reports that I would cover would be the 8 ones that were assigned to me to cover, and some 9 other things -- 10 Q. And when you say assigned? 11 A. Well, you'll see some other things in here 12 that I was involved with, and I say "refer to a 13 report," where I don't express all the notes that 14 I may have had of that day that someone else is 15 memorializing that day. 16 Q. But how do you know that if you're 17 not preparing the report until months later? 18 A. Do I know what? That they're going to 19 prepare a report? 20 Q. So what I'm asking is during the 21 course of a multi-month investigation, you are 22 preparing contemporaneous handwritten notes that 23 reflect what you're learning and what you're doing 24 through the investigation; is that right? 25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 83</p> <p>1 ensure that they prepared a thorough and accurate 2 report based on whatever investigative work had 3 been done? 4 MR. VOMACKA: Objection to form, but 5 you can answer. 6 A. My report would refer to their report for 7 covering that section. 8 Q. And do you actually go look at that 9 report that you're referring to in order to make 10 sure that it actually is covering the section that 11 you're -- 12 A. No. 13 Q. What's that? 14 A. No. 15 Q. Why not? 16 A. I believe it's going to be done, you know. 17 Q. So you're relying on the fact that 18 your colleagues are going to do their job? Is that 19 what you're telling me? 20 A. Yes. 21 Q. I would like to draw -- I'm going to 22 have you look at that document. If you could look 23 at -- it's gonna be Bates stamped ECPO 3581, but it 24 also has a little number 34 in the right-hand 25 corner, if that's easier to track. Actually, 3580.</p>
<p>Tietjen - Direct/Bonjean Page 82</p> <p>1 Q. And then at some point, you sit down 2 to formalize your notes in a formalized report; 3 right? 4 A. Yes. 5 Q. And is that typically based on 6 somebody saying, We need you to prepare a report? 7 Maybe a supervisor or something like that. 8 A. Yes. And they'll be certain occurrences 9 during the inves that I don't have notes on as 10 well that someone else was taking, or taking that 11 responsibility for. 12 Q. And would you include in your formal 13 report information that comes from someone else's 14 notes, or just your notes? 15 A. Just my notes. 16 Q. And correct me if I'm wrong, I think 17 you said, though, that there might be aspects of an 18 investigation that you do have notes on, but 19 because someone else is covering that piece of the 20 investigation, you would not necessarily include 21 those part of your notes into the formal report; is 22 that right? 23 A. Yes. 24 Q. Would you refer to the person who was 25 assigned to that part of the investigation to</p>	<p>Tietjen - Direct/Bonjean Page 84</p> <p>1 Let's start there. My apologies. So page 33. 2 A. Okay. 3 Q. I want to draw your attention to the 4 bottom part of the report narrative where it has a 5 date of April 3rd, 1979. Do you see that? 6 A. Yes. 7 Q. And if you just could read that to 8 yourself real quick, and then I'll have some 9 questions for you. 10 Okay. You see reference to this 11 information from the psychic again, this 12 Mrs. Dorothy Allison? 13 A. Yes. 14 Q. And it would appear that back in '79, 15 Detective Hairston was at least talking to her, or 16 they were trying to see what they could develop 17 through her, if anything; right? 18 A. Yes. 19 Q. And based on that, they actually, it 20 looks -- according to this report, you would agree 21 that they checked the Newark Fire Department for 22 fires occurring in 1978; right? 23 A. That line is somewhat distorted. It looks 24 like they checked one engine possibly. I can't 25 read the number.</p>

<p>Tietjen - Direct/Bonjean Page 85</p> <p>1 Q. I think it says --</p> <p>2 A. Engine 117 maybe, for fires.</p> <p>3 Q. It says, "Checked with Newark Fire</p> <p>4 Department Engine" -- whatever number that is --</p> <p>5 "for all fires" -- I think it says, either,</p> <p>6 "especially fatalities occurring in August of</p> <p>7 1978."</p> <p>8 I don't know if that's accurate, but</p> <p>9 that's my best guess. But do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And you can turn the page. And it</p> <p>12 says, "Checked sites of two multiple-alarm fires.</p> <p>13 15th Avenue and Bergen Street and 16th Avenue and</p> <p>14 Littleton Avenue. No reported fatalities."</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And, again, these are reports that,</p> <p>18 if you had in your possession, you would have</p> <p>19 reviewed during your in-depth review of the case;</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. Now, after your in-depth review of</p> <p>23 the case in May of 2008, at least according to your</p> <p>24 report, you started participating in interviews</p> <p>25 with witnesses; right?</p>	<p>Tietjen - Direct/Bonjean Page 87</p> <p>1 during this period of time?</p> <p>2 A. Yes.</p> <p>3 MR. LIPSHUTZ: Objection to the form</p> <p>4 of that question.</p> <p>5 MR. VOMACKA: Objection to form. You</p> <p>6 can answer.</p> <p>7 A. I spoke with them regularly.</p> <p>8 Q. And what's regular to you? Daily,</p> <p>9 weekly?</p> <p>10 A. I'm trying to recall if we were -- at</p> <p>11 certain points, we might have been working on this</p> <p>12 a couple times a week. Sometimes it was sporadic.</p> <p>13 I still had other unit responsibilities as well.</p> <p>14 I would characterize it as routine, but I don't</p> <p>15 know how I can break that down into a daily or a</p> <p>16 weekly type of occurrence.</p> <p>17 Q. Fair enough. Was this case a big</p> <p>18 part of your responsibilities during this period of</p> <p>19 time?</p> <p>20 A. It was one of my larger ones. It took up a</p> <p>21 majority of my involvement, yes.</p> <p>22 Q. And I guess this would be a good time</p> <p>23 to ask, what was your understanding of how the</p> <p>24 group operated in terms of -- I know you said</p> <p>25 Carrega was in charge of the investigation, but who</p>
<p>Tietjen - Direct/Bonjean Page 86</p> <p>1 A. Yes.</p> <p>2 Q. And by the way, you can put that</p> <p>3 aside for now, we may reference it again.</p> <p>4 A. If you look at the date on that report,</p> <p>5 it's a year after last included in that report as</p> <p>6 well.</p> <p>7 Q. You're talking about the Hairston</p> <p>8 report?</p> <p>9 A. Yes.</p> <p>10 Q. Uh-huh.</p> <p>11 A. So similar, that's in similar fashion as</p> <p>12 well.</p> <p>13 Q. Yeah. No, no, you're right. That</p> <p>14 seems to be the practice.</p> <p>15 Okay. Now, after looking at the</p> <p>16 complete case file, did you have further</p> <p>17 discussions with Lieutenant Carrega about your</p> <p>18 impressions about the case?</p> <p>19 A. I believe we certainly did.</p> <p>20 Q. I'm not suggesting that you would</p> <p>21 have necessarily notated every time you had a</p> <p>22 conversation with Lieutenant Carrega about the</p> <p>23 case, or that you should have done that, but would</p> <p>24 it be fair to say that you spoke with him and other</p> <p>25 members of this team on a fairly regular basis</p>	<p>Tietjen - Direct/Bonjean Page 88</p> <p>1 did you report to in connection with this</p> <p>2 investigation?</p> <p>3 MR. LIPSHUTZ: I'm sorry, Jen, your</p> <p>4 first part of your question broke up, so if you're</p> <p>5 just asking him who he reported to, that's fine.</p> <p>6 I heard that. But I wasn't sure what the rest of</p> <p>7 it was.</p> <p>8 MS. BONJEAN: It was a bad question.</p> <p>9 I'll start over.</p> <p>10 Q. Did you have to get assigned to this</p> <p>11 investigation by someone from the state police</p> <p>12 also?</p> <p>13 A. Dave Jones is the one who asked me to</p> <p>14 contact Lieutenant Carrega.</p> <p>15 Q. And you don't have the authority as a</p> <p>16 state police officer to go work on anyone else's</p> <p>17 cold cases just because you want to, I assume;</p> <p>18 correct?</p> <p>19 MR. LIPSHUTZ: Objection to the form.</p> <p>20 A. We are able to contact them, and I can work</p> <p>21 on any missing persons case right now in the state</p> <p>22 that I choose to, or any member of my unit does,</p> <p>23 typically to reach out to the agency by myself.</p> <p>24 Q. I mean, if you are working for the</p> <p>25 state police, you're getting a salary from the</p>

<p>Tietjen - Direct/Bonjean Page 89</p> <p>1 state police, you don't get to decide which</p> <p>2 investigations you want to work on without at least</p> <p>3 getting approval from someone up your chain of</p> <p>4 command, I assume; right?</p> <p>5 A. I don't know if that's necessarily so.</p> <p>6 You're assigned cases, and then you also look for</p> <p>7 cases. Like our work in this unit is a lot of</p> <p>8 what you become aware of in jobs that you have a</p> <p>9 personal interest in. Either, you know, an age</p> <p>10 group that you tend to like to get involved in.</p> <p>11 If it's Alzheimer's/dementia, we have members who</p> <p>12 like to get involved in those cases. And everyone</p> <p>13 is allowed to work something. Certainly,</p> <p>14 supervisors can be, like, if it's not a case</p> <p>15 that's worthy of time, as far as, like, if there</p> <p>16 just isn't enough there, or enough there for you</p> <p>17 to work, or you have other responsibilities, or</p> <p>18 other cases come in, you can be both assigned both</p> <p>19 cases and seek your own cases.</p> <p>20 Q. Well, when you seek out a case that</p> <p>21 you want to work on, who supervises you?</p> <p>22 A. That's in our unit. We all have -- at the</p> <p>23 time, Dave Jones was my assistant, and then I had</p> <p>24 Joe Glennon at the time was my sergeant. So he</p> <p>25 would be the supervisor that my reports would be</p>	<p>Tietjen - Direct/Bonjean Page 91</p> <p>1 unaware of their policies, so it's whatever is</p> <p>2 expressed to you. We assist many agencies on</p> <p>3 cases where our reporting is rather minimal and</p> <p>4 vague because they handle all the reporting. We</p> <p>5 assist them with investigative guidance</p> <p>6 essentially is how I would term it.</p> <p>7 Q. Which agency was in charge of the</p> <p>8 missing persons investigation when you became</p> <p>9 involved?</p> <p>10 MR. LIPSHUTZ: Objection to the form.</p> <p>11 A. It's always been Newark PD's investigation.</p> <p>12 The individual I was involved with was looking at</p> <p>13 it from a cold case aspect, so I was reporting</p> <p>14 back to him.</p> <p>15 Q. I'm sorry. You were reporting back</p> <p>16 to who? You cut off for that.</p> <p>17 A. I was reporting to Lieutenant Carrega. He</p> <p>18 would be the one who would ask me to assist or --</p> <p>19 those aspects.</p> <p>20 Q. Okay. So would it be fair to say</p> <p>21 then the policies that the investigation would be</p> <p>22 subject to would then be Newark Police Department's</p> <p>23 policies, to the best of your understanding?</p> <p>24 MR. LIPSHUTZ: Objection to the form</p> <p>25 of the question.</p>
<p>Tietjen - Direct/Bonjean Page 90</p> <p>1 reviewed by, but he wouldn't be with me on my</p> <p>2 jobs, though.</p> <p>3 Q. Okay. But you would still have --</p> <p>4 your supervisor would still have to -- I don't know</p> <p>5 what word to use -- signing off or agree that this</p> <p>6 is a case that, you know, is worthy of our time,</p> <p>7 and go ahead, and I'm gonna supervise you on it;</p> <p>8 right?</p> <p>9 A. Yeah. They would essentially, I guess you</p> <p>10 would call it, authorize you to continue, you</p> <p>11 know, and say that's worthy of our efforts.</p> <p>12 Q. Got it. So there is an authorization</p> <p>13 process. And I assume that with this missing</p> <p>14 investigation case, you did receive authorization</p> <p>15 to work on this case; correct?</p> <p>16 MR. LIPSHUTZ: Objection to the form.</p> <p>17 A. Yes.</p> <p>18 Q. Now, having received authorization to</p> <p>19 work on the case, what was your understanding of</p> <p>20 which agency's policies and/or practices you would</p> <p>21 be following?</p> <p>22 A. That's not -- like, I follow my policies</p> <p>23 with concerns for my stuff. Cases, when you</p> <p>24 assist other agencies, there are reporting issues,</p> <p>25 and that aspect becomes very different, and I'm</p>	<p>Tietjen - Direct/Bonjean Page 92</p> <p>1 MR. VOMACKA: I also object to the</p> <p>2 form of the question. You can answer.</p> <p>3 A. I don't know. I was dealing with whatever</p> <p>4 --</p> <p>5 (Reporter requested clarification.)</p> <p>6 A. Whatever Lieutenant Carrega was doing, how</p> <p>7 he was handling it. I was unaware at that point</p> <p>8 if anyone else was continuing it or looking at it.</p> <p>9 Q. Okay. But you're embarking on an</p> <p>10 investigation, an important investigation. Was it</p> <p>11 important to you to know what policy you should be</p> <p>12 following in connection with this investigation?</p> <p>13 A. I'd go with my own policies as far as the</p> <p>14 aspects that would concern certain avenues, yes,</p> <p>15 but I don't read their policies.</p> <p>16 Q. Okay. So when you say you go with</p> <p>17 your own policies, are you talking about Sergeant</p> <p>18 Tietjen's policies or the state police policies?</p> <p>19 A. State police policies.</p> <p>20 Q. Okay. So when you were doing your</p> <p>21 work on this case, you were guided by the state</p> <p>22 police policies in your work; right?</p> <p>23 A. Yes.</p> <p>24 Q. You didn't read Newark Police</p> <p>25 Department policies; right?</p>

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<p>Tietjen - Direct/Bonjean Page 93</p> <p>1 A. No.</p> <p>2 Q. Is that a no?</p> <p>3 A. No.</p> <p>4 MR. LIPSHUTZ: I'm sorry. It was a</p> <p>5 negative question. Did you read Newark's</p> <p>6 policies?</p> <p>7 THE WITNESS: No.</p> <p>8 MR. LIPSHUTZ: Okay.</p> <p>9 Q. And were you provided a copy with</p> <p>10 Newark's policies, at least as they pertained to</p> <p>11 this missing persons/homicide investigation/cold</p> <p>12 case investigation?</p> <p>13 MR. LIPSHUTZ: Objection to the form.</p> <p>14 A. No.</p> <p>15 Q. Did you review any policies that the</p> <p>16 Essex County Prosecutor's Office may have had?</p> <p>17 A. No.</p> <p>18 Q. And when I'm talking about policies,</p> <p>19 by the way, just so we're on the same page, I'm</p> <p>20 talking about written policies or orders or</p> <p>21 anything on a piece of paper that guides law</p> <p>22 enforcement in their duties and responsibilities.</p> <p>23 Okay?</p> <p>24 A. Yes.</p> <p>25 Q. Were you provided with any written</p>	<p>Tietjen - Direct/Bonjean Page 95</p> <p>1 prior to May of 2008, if you know?</p> <p>2 MS. ROSEN: Objection to the form.</p> <p>3 A. I do not.</p> <p>4 Q. Now, you participated in a number of</p> <p>5 interviews with other members of the team,</p> <p>6 including Lieutenant Carrega; correct?</p> <p>7 MR. LIPSHUTZ: Objection to the form.</p> <p>8 A. Yes.</p> <p>9 Q. Tell me what the hierarchy was in</p> <p>10 terms of who led the interviews when you</p> <p>11 participated, if you understand what I'm saying?</p> <p>12 A. Yes, I do.</p> <p>13 Q. I'm sorry?</p> <p>14 A. Yes, I understand what you're saying.</p> <p>15 Q. Okay. And who was that?</p> <p>16 A. Lieutenant Carrega was the lead on</p> <p>17 interviews that he was there.</p> <p>18 Q. And was there a default for</p> <p>19 interviews when Carrega was not there?</p> <p>20 A. No, I think we all worked well together,</p> <p>21 and I didn't see any issues. Everyone who was</p> <p>22 working on the job worked hand-in-hand, but he was</p> <p>23 our, in my eyes, the lead of the cold case.</p> <p>24 Q. By the way, were you aware of whether</p> <p>25 or not Essex County or Newark had any embarked on</p>
<p>Tietjen - Direct/Bonjean Page 94</p> <p>1 policies either by Lieutenant Carrega or anyone</p> <p>2 else that were prepared by the Essex County</p> <p>3 Prosecutor's Office?</p> <p>4 A. No.</p> <p>5 Q. And do you know whether the state</p> <p>6 police policies differed in any way from the</p> <p>7 policies of the Newark Police Department or the</p> <p>8 Essex County Prosecutor's Office?</p> <p>9 A. No.</p> <p>10 MR. LIPSHUTZ: Lack of foundation.</p> <p>11 Q. Okay. Did you ever discuss with</p> <p>12 Lieutenant Carrega or any other member of this unit</p> <p>13 that was looking at this case policies that you</p> <p>14 should take into consideration in your work on this</p> <p>15 cold case?</p> <p>16 MR. LIPSHUTZ: Objection to the form.</p> <p>17 A. No.</p> <p>18 Q. Had you received any training prior</p> <p>19 to your involvement specific to conducting cold</p> <p>20 case investigations?</p> <p>21 A. I don't believe so, unless there was a</p> <p>22 block in one.</p> <p>23 Q. And do you know whether or not</p> <p>24 Lieutenant Carrega had received any training in</p> <p>25 connection with conducting cold case investigations</p>	<p>Tietjen - Direct/Bonjean Page 96</p> <p>1 any other cold case investigations prior to this</p> <p>2 one?</p> <p>3 A. Regarding what? This case or others?</p> <p>4 Q. Yeah, no. My apologies. Any other</p> <p>5 cases not related to this Lee Evans or the five</p> <p>6 boys, any other cold cases that had been</p> <p>7 investigated by Newark and/or Essex County</p> <p>8 Prosecutor's?</p> <p>9 A. I'm sure they do and did, but, you know,</p> <p>10 like, I can't recall any that I was involved in a</p> <p>11 cold case as a missing persons that were cold</p> <p>12 cases prior to this from Newark that were involved</p> <p>13 as well. So, yeah, definitely.</p> <p>14 Q. Okay. Now, before you would go</p> <p>15 interview someone that was identified as a person,</p> <p>16 you know, who should be interviewed, did you</p> <p>17 discuss with your team or Lieutenant Carrega how</p> <p>18 the interview would be handled and what you wanted</p> <p>19 to accomplish in the interview?</p> <p>20 MR. LIPSHUTZ: Objection to the form.</p> <p>21 A. That may seem so like --</p> <p>22 (Connectivity issues.)</p> <p>23 A. You may have discussed who is going to do</p> <p>24 the intro and take the lead at the door, and</p> <p>25 typically that's who engaged in the conversation</p>

<p>Tietjen - Direct/Bonjean Page 97</p> <p>1 via phone or, if anything, at first contact, it 2 might have just been decided on the walk-up, Hey, 3 you can knock, and then you go from there, but... 4 Q. Were there some witnesses, though, 5 you had a plan in place for how you would approach 6 the interview? 7 A. You certainly would have thoughts of what 8 you want to ask them about from case facts prior, 9 so that would be considered a plan per se. 10 Q. And did you discuss the plan, if you 11 want to call it that, with your colleagues before 12 the interview typically? 13 A. Which? Like, I'm trying to think about, 14 like, if I was going to a parent for a DNA, I 15 would discuss that it would be my thing to discuss 16 the DNA aspect. There would be an introduction. 17 You certainly have other case facts you want to 18 address, so that would be like -- but who says 19 what and who does what, it wasn't like scripted 20 out, no. 21 Q. Right. But in an important interview 22 like a Philander Hampton interview or a Lee Evans 23 interview, presumably, you all wanted to be on the 24 same page about how you -- what you wanted to do 25 during that interview; correct?</p>	<p>Tietjen - Direct/Bonjean Page 99</p> <p>1 Q. And I would say, you know, witnesses 2 that at least on their face seemed less important, 3 maybe you didn't have quite a detailed plan, but 4 you would still discuss who would take the lead if 5 Carrega wasn't there; is that fair? 6 A. I don't know -- there's no written plan. 7 There may have been discussion like, Oh, I'll 8 start off here, but I don't recall each of those 9 specific interviews. 10 Q. Well, would you agree that some 11 police officers tend to be more active in 12 interrogations or interviews than others? 13 A. Certainly. It's a personality. Some would 14 lead right through and step over others, or some 15 will just simply sit back and allow somebody else 16 to step forward and let the course of the 17 interview go, and sometimes you have a person 18 you're interviewing who does not care for the 19 person who's initiated the initial lead, and then 20 you hope that you're confident enough in your 21 other person with you that they can step forward 22 and engage and elicit responses and engage them in 23 conversation. And, you know, this group had all 24 very different aspects that somebody might want to 25 talk to each one of us.</p>
<p>Tietjen - Direct/Bonjean Page 98</p> <p>1 A. We all had the same goal, certainly, and 2 the same information we were trying to deal with. 3 If we're talking about Lee Evans' attempt at the 4 interview after his arrest, it was Detective Joe 5 Hadley and I had a chat with him to initiate the 6 interview, and Detective Hadley read him the 7 Miranda, so that would essentially be the lead. 8 We decide before we go who is going to read the 9 Miranda. 10 Q. But even prior to his arrest, you all 11 had made multiple efforts to interview Lee again; 12 right? 13 A. Yes. 14 Q. And, in fact, I think I saw at some 15 point one person called and then left a message, 16 and another one of you called and left a message, 17 and then someone else called and left a message; 18 right? 19 A. Yes. 20 Q. That was all discussed in advance; 21 correct? 22 A. Oh, certainly. 23 Q. And you had a plan for trying to get 24 Lee to sit down for a conversation; correct? 25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 100</p> <p>1 Q. Right. And different interviewers 2 have different styles; would you agree? 3 A. Correct, yes. 4 Q. How would you describe your style? 5 A. I would say I try to be calm, specific, 6 nonthreatening, you know, and show genuine 7 interest in the information I'm looking for. I 8 guess that would be -- you know, I don't know if 9 it covers enough, but that's kind of how I would 10 go at it. 11 Q. You're not an in-your-face 12 pointing-the-finger type? 13 A. No. 14 Q. You said you had training in 15 connection with conducting interrogations or 16 interviews; right? 17 A. Yes. 18 Q. What type of training was that? Was 19 that a classroom type of training or -- 20 A. It was a classroom training. 21 Q. Did you do simulations, like 22 practice? 23 A. I don't recall practice in there, no. We 24 watched some videos as well. 25 Q. So you reviewed videos, critiqued</p>

<p>Tietjen - Direct/Bonjean Page 101</p> <p>1 videos type of thing?</p> <p>2 A. Yes.</p> <p>3 Q. And was part of the training, you</p> <p>4 know, this works, this doesn't work type of thing?</p> <p>5 A. Yes.</p> <p>6 Q. What did you learn in that training</p> <p>7 about feeding witnesses or suspects information --</p> <p>8 (Connectivity issues.)</p> <p>9 A. You're unclear. Please repeat that whole</p> <p>10 statement.</p> <p>11 Q. Sure. In your training, in your</p> <p>12 classroom training, or really on-the-job training,</p> <p>13 did you receive any information about the</p> <p>14 importance of not feeding details to someone who is</p> <p>15 being interviewed that they wouldn't already know?</p> <p>16 A. Depends. Like sometimes you have to, like,</p> <p>17 bring people to the event that you want to discuss</p> <p>18 because their own style is very all over the</p> <p>19 place. I tend not to try to feed them</p> <p>20 information. I try to elicit information. I</p> <p>21 don't know if that was specifically taught in the</p> <p>22 class. It probably was, but we're talking like</p> <p>23 1999. But that's my style. I tend not try to</p> <p>24 feed unknown information to somebody. I try to</p> <p>25 see -- if they've provided it before, I may</p>	<p>Tietjen - Direct/Bonjean Page 103</p> <p>1 incident?</p> <p>2 A. It depends what you're -- if we're</p> <p>3 referring to a specific statement like on a video</p> <p>4 or audio, sometimes you have suspects who will</p> <p>5 tell you information prior to that taped -- after</p> <p>6 Miranda, post arrest, or even prior to them being</p> <p>7 arrested, and they already told you, so you have</p> <p>8 to bring them back to that information. Just like</p> <p>9 I said before, you're bringing them back to the</p> <p>10 point you want to discuss, and many times people</p> <p>11 will overstep facts when they're going through the</p> <p>12 interview again, whether it be on video or audio,</p> <p>13 or when you did sit down. You know, if I have a</p> <p>14 street conversation with somebody out on the</p> <p>15 street, and they tell me information, and, you</p> <p>16 know, I want to capture this on the video</p> <p>17 statement. When I reinitiate that video or audio</p> <p>18 statement, they tend to step through many aspects</p> <p>19 of it, and you have to sometimes bring them back.</p> <p>20 And sometimes the personality issue on the person</p> <p>21 or like the upbringing, you ask them to tell the</p> <p>22 whole story, they rush through it. So it would</p> <p>23 all depend upon the event. I think that most of</p> <p>24 it we're trying to listen to what they have to</p> <p>25 say. And sometimes we become aware of statements</p>
<p>Tietjen - Direct/Bonjean Page 102</p> <p>1 refresh them. And after that --</p> <p>2 (Reporter requested clarification.)</p> <p>3 A. If it doesn't come up, and they provide it</p> <p>4 before, I may refresh them back to that piece of</p> <p>5 information I want to speak about. If they're</p> <p>6 unknowing of the event, I would potentially have</p> <p>7 to bring them to that event to discuss. If they</p> <p>8 say, I don't know, so you may know nothing about</p> <p>9 this car theft, or whether the car was parked on</p> <p>10 the corner, and they might say, Oh, I saw the</p> <p>11 black car on the corner, but I thought nothing of</p> <p>12 it. So the information they provide you might</p> <p>13 have been very vague until you can bring them to</p> <p>14 that point.</p> <p>15 Q. Well, would you agree that if a</p> <p>16 suspect provides you with information that only the</p> <p>17 offender would know, this would have good</p> <p>18 evidentiary value?</p> <p>19 A. Yes.</p> <p>20 Q. All right. So with that principle in</p> <p>21 mind, would you agree that it's important not to</p> <p>22 feed information to a suspect so you can ensure</p> <p>23 that if you're getting a piece of information, he's</p> <p>24 not just regurgitating what you told him but that</p> <p>25 it actually shows that he has knowledge about the</p>	<p>Tietjen - Direct/Bonjean Page 104</p> <p>1 they've made to us during it that weren't included</p> <p>2 now or weren't included later, so I don't know</p> <p>3 what we're...</p> <p>4 Q. Well, putting aside that you may want</p> <p>5 to refresh someone's recollection with something</p> <p>6 they already told you, I'm talking about when you</p> <p>7 are conducting an interview for the first time with</p> <p>8 a suspect, would you agree that it's important not</p> <p>9 to feed them information that only the offender</p> <p>10 would know so that you can assure yourself that</p> <p>11 they're not just regurgitating what you told them</p> <p>12 but that they actually have firsthand knowledge</p> <p>13 about the event?</p> <p>14 A. I would agree that would be important.</p> <p>15 Q. Now, on June 2nd of 2008, you</p> <p>16 interviewed a Lillie Williams; right?</p> <p>17 A. Yes.</p> <p>18 Q. And this interview was conducted with</p> <p>19 Lieutenant Carrega and Detective Hadley; correct?</p> <p>20 A. Yes.</p> <p>21 Q. And just to be clear, prior to your</p> <p>22 interview with Lillie Williams, you had developed</p> <p>23 information that had been known since 1978 that the</p> <p>24 boys had been seen in and around the time of their</p> <p>25 disappearance with Lee Evans; right?</p>

<p>Tietjen - Direct/Bonjean Page 105</p> <p>1 A. Yes.</p> <p>2 Q. What other information as of</p> <p>3 June 2nd, 2008, did you possess that would lead you</p> <p>4 to believe that Lee Evans had any involvement in</p> <p>5 the disappearance and presumed murders of the boys</p> <p>6 other than what we just identified?</p> <p>7 MR. VOMACKA: Objection to form, but</p> <p>8 you can answer.</p> <p>9 A. The identified case from '78 through have</p> <p>10 him as an involved party and last being seen with</p> <p>11 them. So that's what we were working on.</p> <p>12 Q. Right. And I'm trying to put a</p> <p>13 little finer point on it.</p> <p>14 I know we've established that the</p> <p>15 case report, case file, no question, established</p> <p>16 that the boys had been seen with Lee in and around</p> <p>17 the time of their disappearance. But apart from</p> <p>18 that fact, what other fact can you point me to that</p> <p>19 would lead a person to believe that Lee was</p> <p>20 involved in their disappearance and/or presumed</p> <p>21 murders?</p> <p>22 A. The fact they were last with him, and they</p> <p>23 were never seen after being with him again. You</p> <p>24 know, I think, in this case we had other potential</p> <p>25 sightings throughout the early stages, but they're</p>	<p>Tietjen - Direct/Bonjean Page 107</p> <p>1 Q. Right. According to the reports,</p> <p>2 they went missing in and around August 20th to</p> <p>3 August 22nd, and they actually weren't even</p> <p>4 reported missing until August 23rd; right?</p> <p>5 A. Correct.</p> <p>6 Q. The 1978 reports reflected varying</p> <p>7 information about when the boys were last seen;</p> <p>8 would you agree with that?</p> <p>9 A. I agree that there are varying times on the</p> <p>10 20th that they were last seen, yes.</p> <p>11 Q. So my point is the reports reflect</p> <p>12 that Lee Evans was with the boys approximately</p> <p>13 around the time they left, but the reports didn't</p> <p>14 conclusively show that he was the last person to</p> <p>15 see them; would you agree?</p> <p>16 MR. LIPSHUTZ: Objection.</p> <p>17 Argumentative.</p> <p>18 MR. VOMACKA: Objection to form. You</p> <p>19 can answer.</p> <p>20 A. Of the people that were interviewed in</p> <p>21 those initial reports, the last time they saw the</p> <p>22 boys was with Lee Evans.</p> <p>23 Q. Okay.</p> <p>24 A. You know, I don't know if -- there are</p> <p>25 probably one or two that might say that when they</p>
<p>Tietjen - Direct/Bonjean Page 106</p> <p>1 always potential. We get that now on cases as</p> <p>2 well. And some have investigates those as well as</p> <p>3 they -- but as best we knew, Lee Evans was the</p> <p>4 last one seen with the boys. They were never seen</p> <p>5 again, and that would lead us that he's someone of</p> <p>6 interest.</p> <p>7 Q. Okay. Let's try again. First of</p> <p>8 all, you actually were unable to pinpoint when the</p> <p>9 boys disappeared; right?</p> <p>10 A. Well, we knew on or about August 20, 1978.</p> <p>11 Q. Right. That's like a full day,</p> <p>12 which --</p> <p>13 A. No, we knew -- we had at time breakdowns</p> <p>14 where people last see them, and they're reported</p> <p>15 in the 1978 reports, so some were closer to that</p> <p>16 11 o'clock at night, some had seen, the last</p> <p>17 sightings.</p> <p>18 Q. And there were reports that they were</p> <p>19 seen after that; right?</p> <p>20 A. Sure. I mean, like I said, you're going to</p> <p>21 get that. You have to work on that as well and</p> <p>22 see if that's viable, but that was -- I believe</p> <p>23 those are sights of not people intimately involved</p> <p>24 saw him. None of the family members saw their</p> <p>25 kids the next day.</p>	<p>Tietjen - Direct/Bonjean Page 108</p> <p>1 say them, they weren't. But the ones who</p> <p>2 described them leaving with him in the truck, it</p> <p>3 was his vehicle. I think what she said was it was</p> <p>4 Lee Evans' vehicle. They didn't see Lee, but it</p> <p>5 was his truck.</p> <p>6 Q. Okay. And the point is, is that was</p> <p>7 the last time they saw them, but they were unable</p> <p>8 to say when the boys actually went missing; right?</p> <p>9 MR. VOMACKA: Asked and answered.</p> <p>10 MR. LIPSHUTZ: Objection to form.</p> <p>11 You can answer.</p> <p>12 A. Missing to them is the point they last seen</p> <p>13 them. So if your kid goes missing today at -- you</p> <p>14 last see them at 9:00 a.m., the report is going to</p> <p>15 say last seen to you at 9:00 a.m. Someone else</p> <p>16 may have seen them at 11:00 on the street corner,</p> <p>17 but we have yet to identify that person who saw</p> <p>18 them at 11:00, so I don't, you know...</p> <p>19 Q. Well, they didn't actually -- they</p> <p>20 did not actually report them missing until a couple</p> <p>21 days later, so they -- would you agree that the</p> <p>22 parents didn't initially at least feel that the</p> <p>23 boys had been disappeared or murdered or --</p> <p>24 MR. LIPSHUTZ: Objection to form.</p> <p>25 MR. VOMACKA: Objection to form. You</p>

<p>Tietjen - Direct/Bonjean Page 109</p> <p>1 can answer.</p> <p>2 A. 1978 is very different than today.</p> <p>3 Patricia's Law had you put down in writing how</p> <p>4 quickly you take the report. Because the issues</p> <p>5 have been throughout the State of New Jersey</p> <p>6 routinely where agencies tell families they had to</p> <p>7 wait 24 hours, they had to wait days, to make a</p> <p>8 report. Unknown to me why there was a delay in</p> <p>9 the reporting. Whether they made initial attempts</p> <p>10 and were told to wait for them to return, whether</p> <p>11 they had experienced the boys staying overnight</p> <p>12 somewhere, but there is a delay.</p> <p>13 We, as of last week, had a report</p> <p>14 where a family member reported a guy who killed</p> <p>15 himself, and she waited 24 hours because she</p> <p>16 thought the 24-hour rule was in effect.</p> <p>17 Q. Okay. And I am not disputing that</p> <p>18 1978 was a very different time, but for whatever</p> <p>19 reason, the boys allegedly went missing on August</p> <p>20 20th, and it wasn't reported by the parents, at</p> <p>21 least as far as we know, until August 22nd;</p> <p>22 correct?</p> <p>23 A. Correct. We have one mother who drives</p> <p>24 around looking for them at 3:00 a.m. with her, I</p> <p>25 guess another family member, I'm trying to think</p>	<p>Tietjen - Direct/Bonjean Page 111</p> <p>1 sorry. You can answer.</p> <p>2 A. No one stated that they were hurt on that</p> <p>3 initial report. It was unknown from the last</p> <p>4 point they saw them.</p> <p>5 Q. So we're getting a little far afield.</p> <p>6 I'll bring us back. But my point is apart from the</p> <p>7 reports reflecting that Lee Evans may have been one</p> <p>8 of the last people to see him, or was the last</p> <p>9 person by some people's account, to see the boys,</p> <p>10 and not all the boys; right?</p> <p>11 MR. LIPSHUTZ: Which question are you</p> <p>12 asking?</p> <p>13 Q. The reports did not reflect that Lee</p> <p>14 Evans was the last person to be seen with all five</p> <p>15 of the boys; right?</p> <p>16 A. Each of the boys is broken down differently</p> <p>17 throughout the report, so we would have to, like,</p> <p>18 timeline through that to identify each one in</p> <p>19 there, but --</p> <p>20 Q. I'm just asking if you remember that.</p> <p>21 If you don't, you don't remember. The reports will</p> <p>22 speak for themselves. But do you recall whether or</p> <p>23 not Lee Evans was the last person to be seen with</p> <p>24 every single one of those five boys?</p> <p>25 A. It depends on who -- he's the last one seen</p>
<p>Tietjen - Direct/Bonjean Page 110</p> <p>1 of the name. I think was Floria McDowell or</p> <p>2 something like that. Floria McDowell. Yeah, I</p> <p>3 think it was her. She drove around with a</p> <p>4 relative looking for them at 3:00 a.m., but no</p> <p>5 reports to police, so they're concerned, and it</p> <p>6 shows a concern.</p> <p>7 Q. I am not suggesting their parents</p> <p>8 weren't concerned. I'm just trying to set a time</p> <p>9 frame here, though, they were not formally reported</p> <p>10 missing until August 22nd, and then the assignment</p> <p>11 wasn't actually received until August 23rd;</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And the parent could say when</p> <p>15 the last time they saw their kid was and who they</p> <p>16 saw them with, if anyone, but no one was able to</p> <p>17 state at which point the boys were -- well, no one</p> <p>18 was able to say whether the boys had been injured</p> <p>19 or hurt; correct?</p> <p>20 A. I don't know what you're getting to with</p> <p>21 that.</p> <p>22 Q. No one was able -- my point is no one</p> <p>23 knows exactly when they were hurt; right? If they</p> <p>24 were hurt.</p> <p>25 MR. VOMACKA: Objection to form. I'm</p>	<p>Tietjen - Direct/Bonjean Page 112</p> <p>1 at 11:00 on the reports that the family members</p> <p>2 are aware of them. I don't know if they saw</p> <p>3 anybody else afterwards that I can recall.</p> <p>4 Q. My question was different, though.</p> <p>5 It had to do with whether or not it was all five</p> <p>6 boys that he was last seen with, or three of the</p> <p>7 boys, or two of the boys?</p> <p>8 (Reporter requested clarification.)</p> <p>9 A. Lee Evans or his vehicle was seen with all</p> <p>10 five boys at some point that evening.</p> <p>11 Q. At some point within the 24-hour</p> <p>12 period?</p> <p>13 A. No. At some point that evening, let's even</p> <p>14 push it from 8 o'clock on until midnight.</p> <p>15 Q. Okay. Fine. At some point that</p> <p>16 evening, Lee Evans was seen with, your belief is</p> <p>17 with all five of the boys; am I right? Correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And apart from that fact that</p> <p>20 we've just honed in on, what other evidence led you</p> <p>21 to believe that Lee Evans was involved from those</p> <p>22 original reports that you reviewed?</p> <p>23 MR. LIPSHUTZ: Asked and answered.</p> <p>24 Q. Anything else?</p> <p>25 A. Reading through the report, you have many</p>

<p>Tietjen - Direct/Bonjean Page 113</p> <p>1 aspects of the report that still continue to</p> <p>2 identify him as a person of interest throughout</p> <p>3 it.</p> <p>4 Q. That's just gobbledygook. I'm asking</p> <p>5 you to identify a fact other than the one you've</p> <p>6 identified that he was the last one seen with the</p> <p>7 boys, according to your interpretation of the</p> <p>8 reports, what other fact did you identify from</p> <p>9 those reports that led you to believe that Lee</p> <p>10 Evans was involved in their disappearance?</p> <p>11 A. That the boys had stolen marijuana from</p> <p>12 him.</p> <p>13 Q. Okay.</p> <p>14 A. That he had a potential motive for getting</p> <p>15 back at them as well.</p> <p>16 Q. I'm sorry. What was the second part?</p> <p>17 A. That there was a potential motive because</p> <p>18 they had stolen marijuana from him. There were</p> <p>19 reports in there that somebody was trying to get</p> <p>20 marijuana back and money as well, or money for the</p> <p>21 marijuana.</p> <p>22 Q. I'm going to stop you right there.</p> <p>23 So one other fact that you drew from these reports</p> <p>24 is that there was some indication that the boys had</p> <p>25 stolen, or some of the boys, had stolen marijuana</p>	<p>Tietjen - Direct/Bonjean Page 115</p> <p>1 spot. I don't recall what changed in there, but</p> <p>2 the entire time through, Lee Evans was a main</p> <p>3 person of concern. He was not arrested. Until we</p> <p>4 spoke to Philander Hampton and he provided new</p> <p>5 information to us, yeah, that's where the big</p> <p>6 concern takes in our -- he was always a suspect.</p> <p>7 Q. You can say he was main suspect from</p> <p>8 those reports, and that's fine. I understand</p> <p>9 that's your view, but that's not -- I'm not looking</p> <p>10 for your opinion about that. I'm looking for the</p> <p>11 underlying factual basis for that opinion.</p> <p>12 So my question, though, was even</p> <p>13 though there was reports that the boys had stolen</p> <p>14 marijuana from Lee, and, in fact, there was some</p> <p>15 marijuana recovered from one of the boy's rooms;</p> <p>16 right?</p> <p>17 A. Yes.</p> <p>18 Q. But you weren't able to come up with</p> <p>19 the marijuana, or the detectives were not able come</p> <p>20 up with that specific marijuana from the evidence;</p> <p>21 correct?</p> <p>22 A. She broke up. I didn't hear her.</p> <p>23 Q. The reports did not reflect that the</p> <p>24 detectives were ever able to connect the specific</p> <p>25 marijuana that was recovered from the boy's room to</p>
<p>Tietjen - Direct/Bonjean Page 114</p> <p>1 from Lee; right?</p> <p>2 A. Yes.</p> <p>3 Q. And in your mind, that was a</p> <p>4 potential motive for murder; correct?</p> <p>5 A. Correct.</p> <p>6 Q. Or, I suppose, in your mind as of</p> <p>7 2008, you're presuming these boys are dead;</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. And I know that you indicated just</p> <p>11 now that there was some reporting that someone was</p> <p>12 trying to get the marijuana back or get money for</p> <p>13 the marijuana; right?</p> <p>14 A. Yes.</p> <p>15 Q. But the reports never connected that</p> <p>16 piece to Lee Evans; right?</p> <p>17 MR. LIPSHUTZ: Objection to the form.</p> <p>18 Q. Go ahead. Do you need me to repeat</p> <p>19 the question?</p> <p>20 A. No. I said the marijuana was connected to</p> <p>21 Lee.</p> <p>22 Q. Right.</p> <p>23 A. The boys -- I can review all these old</p> <p>24 files for hours, if you want, about Hairston's</p> <p>25 report, and we can go bit by bit and find that</p>	<p>Tietjen - Direct/Bonjean Page 116</p> <p>1 Lee Evans' stash; right?</p> <p>2 A. No.</p> <p>3 Q. Okay. And, in fact, the detectives</p> <p>4 who were working on the case back in 1978 were</p> <p>5 never able to actually connect the person who was</p> <p>6 trying to get money, and that was calling for the</p> <p>7 money, named Bob; right? Does that ring a bell?</p> <p>8 A. Right, correct.</p> <p>9 MR. LIPSHUTZ: Objection to the form.</p> <p>10 Q. Did you ever see anything in those</p> <p>11 reports that was able to connect Bob in any way to</p> <p>12 Lee Evans?</p> <p>13 A. No.</p> <p>14 Q. Okay. Apart from the potential</p> <p>15 motive that the boys may have stolen some marijuana</p> <p>16 from Lee and the fact that Lee had been with the</p> <p>17 boys around the time of their disappearance, are</p> <p>18 you able to identify for me any other facts you</p> <p>19 developed from the 1978 reports that led you to</p> <p>20 believe that Lee was part of their disappearance?</p> <p>21 A. They broke into his residence, and --</p> <p>22 (Connectivity issues.)</p> <p>23 A. -- and broke a window entering the</p> <p>24 residence this last time, which caused Ernie</p> <p>25 Taylor to have a cut on his hand.</p>

<p>Tietjen - Direct/Bonjean Page 117</p> <p>1 Q. Okay. And that was to get the 2 marijuana, though; right? 3 A. Correct. 4 Q. So that's part of the marijuana 5 motive? That's the motive; right? Right? 6 A. Yes. 7 Q. Okay. Apart from that motive 8 evidence you've identified and the fact that he was 9 seen in and around the time with the boys when they 10 disappeared, what else, anything you can point me 11 to from those '78 reports that led -- 12 A. Not that I recall. 13 Q. Let me finish -- that led you to 14 believe that Lee was the perpetrator? 15 A. He was last seen, and he has a motive. 16 Not -- that's what we're working on, right. 17 Q. I'm asking what -- anything else? 18 A. No, that's -- he's -- they broke into his 19 house. They stole his marijuana. He worked with 20 them. It's a step process. He was last seen. So 21 the people last seen with the boys would be the 22 people that would be of interest, whether they are 23 named suspects, they are your person of interest 24 to go speak to. So those facts there lead you to 25 want to speak to them. Whether they get resolved</p>	<p>Tietjen - Direct/Bonjean Page 119</p> <p>1 Q. Okay. Do you think that stealing 2 marijuana is a motive for killing five children? 3 A. Certainly. 4 Q. Really? 5 A. Yes. 6 Q. How many other cases have you seen 7 where someone has committed, I don't know, maybe 8 five homicides, a five-person homicide, for the 9 stealing of a small amount of marijuana? 10 A. Well, some people reported it to be a 11 pound. But you have multiple break-ins at his 12 house. And then look at today in the cities, 13 people kill people for a little bit of stuff. So 14 I don't have any doubt that you could kill 15 somebody for stealing their marijuana and breaking 16 in their house multiple times. I have no doubts 17 about that at all as being a motive. 18 Q. Even someone who doesn't have a 19 particularly profound criminal record? 20 A. Yes. 21 Q. So in your mind, that was the motive? 22 You were persuaded of that motive. Did you 23 consider any other motives? 24 A. You broke up there again. 25 Q. I said did you consider any other</p>
<p>Tietjen - Direct/Bonjean Page 118</p> <p>1 at some point or they don't, those are still what 2 we have presented. 3 Q. Right. But the period of time -- 4 well, strike that. I'm not going to debate with 5 you about whether or not -- you don't know when the 6 boys were missing. So whether or not Lee was the 7 last person seen with him, that's just from the 8 parents' accounts from hours earlier; right? 9 MR. VOMACKA: Objection to form, but 10 you can answer. 11 MR. LIPSHUTZ: Objection to the form. 12 A. Parents and friends and others interviewed 13 that were with them that evening. 14 Q. Right. And there were a lot of 15 people that were around Lee Evans in and around 16 that time other than those boys, too; right? 17 MR. VOMACKA: Objection to the form, 18 but you can answer the question. 19 MR. LIPSHUTZ: Same objection. 20 A. I'm sure. 21 Q. Okay. So there was -- supposedly 22 Maurice Olds was around there; correct? 23 A. Correct. 24 Q. Royster; right? 25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 120</p> <p>1 motives other than the one that you identified when 2 you were looking at this case in June of 2008? 3 A. Every case I look at, I try to be open to 4 other possibilities as well that present to the 5 case, and then you go where the case will lead you 6 with the information provided to you. I think 7 there's potentially always several possibilities 8 in every case from the beginning through. At no 9 point when I sat down with Phil Hampton when Phil 10 Hampton was willing to take the interview did I 11 think what he told us was ever going to happen. 12 Q. Okay. But my question is what other 13 motives did you consider, if any, other than the 14 one of the boys stole some marijuana from Lee? 15 A. Well, there were many motives that were 16 touched on in the 1978 and later reports that 17 could be a potential. Did they run away and go to 18 a cult? There was -- 19 (Connectivity issues.) 20 A. It was, like, did they run away? Did they 21 go to a cult? Did they go to the city? I think 22 somebody -- we got a Washington, D.C. call. And 23 all of those things were looked at back then. The 24 underlying open-ended one was still the motive for 25 Lee Evans with the marijuana and the break-ins to</p>

<p>Tietjen - Direct/Bonjean Page 121</p> <p>1 his residence. 2 Q. So you didn't pursue those other 3 possible motives when you got on the case; right? 4 A. No, no. 5 Q. You looked at the police reports, and 6 the one motive that you thought made sense was the 7 marijuana motive; right? 8 A. I looked at the reports and saw what was 9 still open-ended, and that was the Lee Evans 10 marijuana motive. 11 Q. And you never were able to prove that 12 Lee Evans was involved in narcotics trafficking; 13 right? 14 A. Only with statements made to us. That's 15 it. No -- it's 1978. I had no proof of his 16 arrest for that. 17 Q. Who made statements -- well, strike 18 that. 19 You weren't able to corroborate any 20 of those statements that Lee had marijuana in his 21 house and was involved in selling marijuana; right? 22 MR. VOMACKA: Objection to the form, 23 but you can answer. 24 A. It was -- I wasn't looking to arrest Lee on 25 the marijuana charges. The information provided</p>	<p>Tietjen - Direct/Bonjean Page 123</p> <p>1 Q. So the statements from 1978 about him 2 having marijuana in his house was enough to 3 persuade you that Lee Evans was a significant drug 4 dealer who would kill five people for stealing his 5 marijuana; right? 6 MR. LIPSHUTZ: Objection. 7 MR. VOMACKA: Objection. 8 MR. LIPSHUTZ: You can answer. 9 A. I wouldn't say identified him as a 10 significant drug dealer. I would say he was a 11 person with marijuana who had his marijuana stolen 12 and his broke house broken into and that he became 13 upset to that, and that became his motive. 14 Q. And so upset that he would murder 15 five people over it; right? 16 A. Yes. 17 Q. So in June of 2008, you started 18 getting involved in investigations and being more 19 active in this investigation; fair? 20 A. Yes. 21 Q. You spoke to Lillie Williams. But, 22 again, was there anything that came out of that 23 interview that made it more likely that Lee was 24 involved in these presumed murders? 25 A. Nothing more than previously had been</p>
<p>Tietjen - Direct/Bonjean Page 122</p> <p>1 in the statements, and people interviewed later on 2 when we got involved still indicated that he was 3 involved with marijuana. 4 Q. You had a number of people saying he 5 was involved with marijuana; right? 6 A. Correct. 7 Q. You never found out what type of 8 marijuana operation he ran; is that right? 9 A. Yes. 10 MR. LIPSHUTZ: Objection. 11 Q. You don't know who his supplier was; 12 correct? 13 A. No. 14 Q. He had no arrests for marijuana; 15 correct? 16 A. No. 17 Q. And, in fact, you actually spoke to 18 one of the so-called suppliers of marijuana, and 19 he's like, "I've never heard of Lee Evans in my 20 life." Right? 21 A. Yes. 22 Q. Okay. So when you developed that 23 information, did it make you think, "Hmm, maybe Lee 24 Evans isn't involved really in drug trafficking"? 25 A. No.</p>	<p>Tietjen - Direct/Bonjean Page 124</p> <p>1 provided. 2 Q. Right. She didn't give you any 3 additional information that advanced your theory 4 that Lee Evans was involved; right? 5 A. No. 6 Q. And you also interviewed a Cathy 7 Canady on June 6th, 2008? 8 A. Yes. 9 Q. And I notice that you said refer to 10 Lieutenant Carrega's report for details about that? 11 A. Yes. 12 Q. Is that because you didn't take notes 13 during that interview? 14 A. I don't know if I took notes or not on that 15 interview. 16 Q. Could you have? 17 A. I could have. I don't know. 18 Q. Okay. 19 A. But that would have been one that it was 20 decided when we who -- was going to cover each 21 aspect, and that was one that Lieutenant Carrega 22 was to be responsible for. 23 Q. It was your understanding that 24 Lieutenant Carrega would write a report in 25 connection with the interview of Cathy Canady?</p>

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<p>Tietjen - Direct/Bonjean Page 125</p> <p>1 A. Certainly. 2 Q. Did you ever see that report? 3 A. No. 4 Q. Have you ever seen that report? 5 A. No. 6 Q. As you sit here today, are you now 7 aware that no such report was ever made? 8 A. I became aware during the Miranda hearing 9 for Philander Hampton. Actually, the day prior, 10 he testified. 11 Q. Did it trouble you that there had 12 been no report made, even though you referring were 13 to a report in your report? 14 A. Oh, yes. 15 Q. And why was it troubling to you? 16 A. Because you work with a group of people; 17 you cover aspects of an investigation. It's 18 decided who will cover certain aspects. I wrote 19 first, I handed off my report. I believe Bill 20 Hadley wrote his report next, or completed all 21 aspects of his report, whether he had others that 22 written throughout, and then it was passed on to 23 Lieutenant Carrega. So I don't get stuff passed 24 down on that aspect from him. It's passed up 25 through him. And if he choose, chose, not to</p>	<p>Tietjen - Direct/Bonjean Page 127</p> <p>1 Carrega's style of interviewing? I know you 2 described your own. But how would you describe 3 his? 4 MS. ROSEN: Objection to the form. 5 You can answer. 6 A. Everyone is different. He's seeking 7 factual basis to events he wants to learn. 8 Q. Right. But stylistically, what was 9 his style? Was he like your style? Would you say 10 you have a similar style? 11 A. I think we have varying differences. I 12 think the three of us, including Joe, who was 13 definitely a great interviewer as well, were able 14 to mesh our styles into something that the 15 majority of people we spoke to, if not all, felt 16 very comfortable speaking with us. So I wouldn't 17 say Carrega's style wasn't offensive to others. 18 He has many years of experience at this point 19 interviewing people. I'd have to watch a video 20 again of his style to recall back 12 years ago if 21 it was drastically different than mine or 22 Detective Hadley. I know we were all meshing up 23 together to do an interview. 24 Q. You don't really remember, though, 25 what the differences were between your style and</p>
<p>Tietjen - Direct/Bonjean Page 126</p> <p>1 write a report, that's on him. I knew what my 2 responsible part was, and I found out the day of 3 Miranda that no such report was written, so... 4 Q. Okay. You also interviewed Floria 5 McDowell; right? 6 A. Yes. 7 Q. And I'm on page, I guess it's 5 of 8 your report, Bates stamped ECPO 1347. Do you see 9 that? 10 A. Um-hum. 11 Q. And, again, would this have been 12 Carrega taking the lead in this interview? 13 A. No, this one is one that I documented. 14 Q. Um-hum. Does that mean that you 15 documented it, you took the lead in documenting it, 16 or you took the lead in actually conducting the 17 interview, or one had nothing to do with the other? 18 A. I would say they had nothing to do with the 19 another. 20 Q. But because Lieutenant Carrega was 21 present for this interview, would that lead you to 22 believe that he actually took the lead in 23 interviewing Ms. McDowell? 24 A. Yes. 25 Q. How would you describe Lieutenant</p>	<p>Tietjen - Direct/Bonjean Page 128</p> <p>1 his style; correct? 2 A. No. 3 Q. Now, and during this interview, you 4 were able to confirm some of the facts that he had 5 previously reported to detectives back in the '70s 6 and then even in the '90s, I believe; right? 7 A. Yes. 8 Q. And one was that she had recovered 9 marijuana from her son's room; right? 10 A. Yes. 11 Q. Just, I want to make sure I got this 12 right. Floria McDowell's son was Mike McDowell? 13 A. No, Alvin Turner. 14 Q. Alvin Turner. Yeah, I always get 15 that mixed up, because you'd think the name is the 16 same. But anyway, it was Alvin that was her son; 17 right? 18 A. Yes. 19 Q. Okay. I'm going to draw your 20 attention to -- and this is the situation where the 21 niece had recovered the marijuana from his room and 22 handed it over to the Newark Police Department at 23 the time; right? 24 A. Yes. 25 Q. All right. And as we indicated</p>

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<p>Tietjen - Direct/Bonjean Page 129</p> <p>1 earlier, she was unable to say how long that 2 marijuana had been in the house; right? 3 A. I don't recall. I don't believe she had a 4 time. 5 Q. Well, you would agree that if it had 6 been in the house for a month -- 7 A. Well, she didn't know how long it was in 8 the house. 9 Q. Right. That's what I said. If she 10 didn't know, then she wouldn't know how long it was 11 there; correct? 12 A. Yes. 13 Q. So, you, therefore, and the 14 detectives back in 1978, had no idea whether that 15 was the same marijuana that was allegedly stolen 16 from Lee Evans' house; correct? 17 A. Right. 18 Q. And it wasn't unusual for teenagers 19 to have marijuana even in the 1970s; can we agree 20 on that? 21 A. I don't know these boys, so I don't know. 22 Q. I'm not talking about these boys 23 specifically. I'm saying it wasn't unusual in the 24 '70s for teenagers to possess marijuana; correct? 25 A. I don't know how -- I'm six at the time,</p>	<p>Tietjen - Direct/Bonjean Page 131</p> <p>1 that correct? 2 A. Yes. 3 Q. And this is someone who had a gun, 4 according to her? 5 A. Yes. 6 Q. What efforts did you -- what 7 investigative efforts did you take to find out who 8 that person was that came to the door with a gun on 9 the day that Alvin went missing? 10 A. We asked Lillie -- or Floria McDowell about 11 how Alvin was with the individual, and she 12 indicated he wasn't fearful of the individual with 13 the gun. So was it necessarily a threat to him? 14 No, she didn't feel that way. We then went and 15 spoke to Lillie Williams as well about individuals 16 she may have been involved with, whether it be her 17 husband at the time, or if she was involved with 18 another male, and then -- 19 (Reported requested clarification.) 20 A. Yeah, who she was involved with at the 21 time. Whether it was her husband, it's Nelson 22 Williams, or another male. And then it was, I 23 believe the name was Nelson Williams, was located 24 at a senior housing complex in Newark, and Agent 25 Eutsey and Lieutenant Carrega interviewed him</p>
<p>Tietjen - Direct/Bonjean Page 130</p> <p>1 you know. I'm don't know teens back then so -- 2 Q. Fair enough. 3 A. Like, I'm going to go with that. Like, I 4 don't know Newark in 1978. 5 Q. All right. Fair. Fair. Fair 6 enough. 7 Now, Mrs. McDowell also advised in 8 your interview that there was a black man that 9 "came to her residence on the day Alvin went 10 missing and spoke with Alvin at the front door." 11 Right? 12 A. Correct. 13 Q. And she "observed what she thought 14 was a handgun in the man's front pant's pocket. 15 She thought that the man looked like a friend of 16 Lillie Williams, mother of Melvin Pittman, but she 17 was not sure and she did not know his name." 18 Do you remember that? 19 A. Yes. 20 Q. And you and your colleagues showed 21 her a picture of Philander Hampton; right? 22 A. Correct. 23 Q. And she was unable to identify him as 24 the person who was at the front door talking to 25 Alvin on the day Alvin went missing; right? Is</p>	<p>Tietjen - Direct/Bonjean Page 132</p> <p>1 there, and he denied, as far as I know, any 2 involvement with being that person at the front 3 door. Beyond that, just as in 1978, that person 4 was never identified. 5 Q. So you and your predecessors were 6 never able to identify the individual who came to 7 the door of Floria McDowell's residence with a 8 handgun and spoke to her son Alvin; correct? 9 A. With what she thought was a handgun in his 10 pocket, which you can surmise from there that how 11 good is she at identifying a handgun in a pocket 12 or not, so it's -- you know, we're going to play 13 back to that. So that person was never identified 14 who may have potentially had a handgun in his 15 pocket. 16 Q. Right. You're quick to -- you're 17 quick to dispel any significance of this handgun, 18 because you said she thought it was, but I guess my 19 questions are really just more simple. Did you 20 ever find out who that person was? 21 A. No. 22 Q. And apart from talking to Lillie 23 Williams and any men she may have been linked to, 24 were you able to develop any other information that 25 might shed some light on who that person was?</p>

<p>Tietjen - Direct/Bonjean Page 133</p> <p>1 A. No.</p> <p>2 Q. And you certainly weren't able to</p> <p>3 connect that person to Lee Evans; right?</p> <p>4 A. No.</p> <p>5 Q. This question about who appeared at</p> <p>6 the McDowell home and spoke to Alvin who may have</p> <p>7 had a gun in his pants is a mystery to this day; is</p> <p>8 that right?</p> <p>9 A. Yes.</p> <p>10 Q. And she said she didn't believe it</p> <p>11 was Philander Hampton because you showed her a</p> <p>12 photo of Philander Hampton; right?</p> <p>13 A. I guess the poor aspect there was that we</p> <p>14 had a photo that was 30 years newer of Philander</p> <p>15 Hampton at that point. I did not have a photo of</p> <p>16 him from 1978. Unknown if she would have even</p> <p>17 been able to identify that of a person who came to</p> <p>18 her door, but that would have been a better photo</p> <p>19 to present, certainly.</p> <p>20 Q. Sure. But you worked with what you</p> <p>21 had --</p> <p>22 A. Yes.</p> <p>23 Q. -- and as far as you know, this was</p> <p>24 not Philander Hampton?</p> <p>25 A. That's what it revealed, yes.</p>	<p>Tietjen - Direct/Bonjean Page 135</p> <p>1 Q. And why did you think that was a fact</p> <p>2 that was of evidentiary value or relevance?</p> <p>3 A. Because I would have loved someone to tell</p> <p>4 me that he left his wallet in their car the night</p> <p>5 they killed him, and they threw it inside his</p> <p>6 hallway. I'm going to include those things</p> <p>7 because who knows what's going to come forward.</p> <p>8 That was something that she determined was odd in</p> <p>9 her own thoughts. Certainly became odd in my own</p> <p>10 thoughts on this that I would document.</p> <p>11 Q. So your working hypothesis was that</p> <p>12 possibly whoever had taken Alvin had returned his</p> <p>13 wallet by throwing it at his home?</p> <p>14 A. That's probably one of three possibilities.</p> <p>15 One, the person who was last with him; right?</p> <p>16 Two, the person who was involved in his demise, it</p> <p>17 got left in their vehicle, and they threw it; or</p> <p>18 he simply left it there on his own. So we still</p> <p>19 don't know. And there was probably a fourth as</p> <p>20 well. But that would be something that her</p> <p>21 thought on that, that was odd, so that made it</p> <p>22 into my report. And if someone later provided me</p> <p>23 information about that, that would have been</p> <p>24 great.</p> <p>25 Q. Do you know if that wallet was ever</p>
<p>Tietjen - Direct/Bonjean Page 134</p> <p>1 Q. She also said she found her son's</p> <p>2 wallet in the hallway to her residence two days</p> <p>3 after he went missing; right?</p> <p>4 A. Yes.</p> <p>5 Q. Were you able to develop any</p> <p>6 information about why Alvin's wallet would have</p> <p>7 been in the hallway?</p> <p>8 A. No.</p> <p>9 Q. Is that something you looked into?</p> <p>10 A. Something we looked back -- I looked back</p> <p>11 in the reports to see if anything came up on that.</p> <p>12 I don't know if there was a --</p> <p>13 (Reporter requested clarification.)</p> <p>14 A. I looked back in the reports to see if I</p> <p>15 could identify any resolution to that. I don't</p> <p>16 recall seeing one as to why it appeared there two</p> <p>17 days later, or if she missed it in days prior, but</p> <p>18 I can certainly hypothesize some things, but</p> <p>19 that's what we had, in any case.</p> <p>20 Q. Well, that was a fact that she</p> <p>21 thought was important to share with you; correct?</p> <p>22 A. Yes.</p> <p>23 Q. And it was a fact that you thought</p> <p>24 was important to put in your report; right?</p> <p>25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 136</p> <p>1 dusted for prints?</p> <p>2 A. No clue.</p> <p>3 Q. Okay. And to you it seemed logical</p> <p>4 that someone who may have killed five people would</p> <p>5 return the wallet to his home rather than, I don't</p> <p>6 know, throw it in the river, throw it somewhere</p> <p>7 else?</p> <p>8 MR. VOMACKA: Objection to form, but</p> <p>9 you can answer.</p> <p>10 A. People do amazingly crazy things while</p> <p>11 committing crimes. I've seen a lot of that, so I</p> <p>12 am not surprised at anything these days.</p> <p>13 Q. Right. Which is why you have to keep</p> <p>14 your mind open to all possibilities?</p> <p>15 A. Yes. That's why I laid out three, and we</p> <p>16 can probably go on four and five. But one is that</p> <p>17 somebody involved with him that night returned it</p> <p>18 when they located it, or it could have been</p> <p>19 dropped outside that same evening, or two days</p> <p>20 before, and was found. You know, she didn't know</p> <p>21 when he lost his wallet for it to show up there,</p> <p>22 but --</p> <p>23 Q. Right.</p> <p>24 A. But it was important enough if someone</p> <p>25 stated to me later on who was actively involved</p>

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<p>Tietjen - Direct/Bonjean Page 137</p> <p>1 with him that, Oh, yeah, we found his wallet left 2 in the truck, or we found his wallet left on the 3 curb and delivered it to his house and left it 4 there. You know, who knows why people return 5 things or take things or -- 6 Q. But it's also possible that she 7 missed it; right? 8 A. Certainly. 9 Q. And it's also possible that it was 10 dropped in the course of perhaps a struggle from 11 there; right? That's a possibility, too; correct? 12 A. That would be number four. 13 Q. Right. Is that a possibility you 14 considered? 15 A. Yes. 16 Q. Which would have meant that he would 17 have gone missing from outside of his own home 18 potentially; that's one possibility? 19 MR. LIPSHUTZ: Objection. Calls for 20 speculation. 21 A. It's certainly a possibility because he was 22 last seen at his home leaving. You know, who 23 knows when she observed it, when it was there. 24 Q. Okay. On June 9th, you received 25 information from -- you interviewed a Rogers</p>	<p>Tietjen - Direct/Bonjean Page 139</p> <p>1 A. Yes. 2 Q. You were looking for Evans' supplier, 3 if you could find him; right? 4 MR. LIPSHUTZ: Objection to form. 5 A. Sure. 6 Q. And you ultimately actually did speak 7 to Mr. Pray; right? 8 A. Yes. 9 Q. I think we went through this earlier, 10 but he denied knowing Lee Evans; correct? 11 A. Yes. 12 Q. Did you find any other possible 13 suppliers other than Wayne Akbar Pray? 14 A. No. 15 Q. You also heard some information from 16 Rogers Taylor that Bob Cutler was looking for the 17 boys at the time of their disappearance; right? 18 A. That who was? 19 Q. Bob Cutler? 20 A. Yes. 21 Q. And, in fact, that there was also a 22 person named Bob trying to get money from these -- 23 some of these families; right? Making phone calls? 24 A. Yes. 25 Q. Were you ever able to determine</p>
<p>Tietjen - Direct/Bonjean Page 138</p> <p>1 Taylor; right? 2 A. Yes. 3 Q. And you were trying to find out -- 4 you guys worked really hard to find out information 5 about Mr. Evans' alleged drug-dealing operation; 6 right? 7 MR. LIPSHUTZ: Objection to the form. 8 MR. VOMACKA: Objection to the form. 9 You can answer. 10 A. We were trying to find out about all of 11 Mr. Evans' involvement. 12 Q. Right. You were focused on Lee 13 Evans, that was the focus of the investigation; 14 correct? 15 A. Yes. 16 Q. And one bit of information you 17 received is that you heard from Ernest Taylor's 18 brother, Roger Taylor, that Lee Evans drug 19 distribution may have been tied to Wayne "Akbar" 20 Pray; right? 21 A. Yes. 22 Q. Would you call that sort of a rumor? 23 A. Yes. 24 Q. All right. And that Pray had been 25 his supplier; right?</p>	<p>Tietjen - Direct/Bonjean Page 140</p> <p>1 whether or not Bob Cutler was the Bob that was 2 calling? 3 A. No. 4 Q. Was that a possibility in your mind? 5 A. A possibility. 6 Q. Did you look into it? 7 A. Yes. 8 Q. And how did you look into it? 9 A. Bob Cutler was interviewed as well. 10 Q. Okay. So apart from accusing 11 someone, what other ways did you investigate 12 whether or not it was Bob Cutler who was calling 13 and making threatening phone calls to the family 14 around the time that the boys disappeared? 15 A. You ask questions related to that, and you 16 receive negative answers. 17 Q. So that is the extent to which you 18 conducted that aspect of the investigation? You 19 asked Bob, and he said no, and that was the extent 20 of it? 21 A. I think there's a -- Rogers Taylor is asked 22 that. He's providing information as well. Others 23 are asked it. I don't recall right now how many 24 people were asked about the Bob at the front door, 25 but I know Bob Cutler denied being the Bob that</p>

EXHIBIT A

In The Matter Of:

*Evans v.
Newark City*

*William H. Tietjen, Jr.
July 22, 2020
Video Deposition*



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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE
14-cv-00120 (KM)(MAH)

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LEE EVANS,)
6 Plaintiff,) VIDEOTAPED
7 v.) DEPOSITION UPON
8) ORAL EXAMINATION
9 NEWARK CITY; FORMER) WILLIAM H. TIETJEN, JR.
10 MAYOR, CORY A. BOOKER;)
11 FORMER POLICE DIRECTOR,) VIA VIDEOCONFERENCE
12 GARRY MCCARTHY;)
13 LIEUTENANT LOU CARREGA;)
14 DETECTIVE JOSEPH HADLEY;)
15 DETECTIVE SGT. WILLIAM)
16 TIETJEN; SGT. DARNELL)
17 HENRY; OFFICER JOE)
18 HADLEY,)
19 Defendants.)

20

21

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TRANSCRIPT of the stenographic
notes of AUDREY ZABAWA, a Certified Court Reporter
of the State of New Jersey, Certificate No.
XI01410, taken via videoconference, on Wednesday,
July 22, 2020, commencing at 10:10 a.m.

Page 2

1

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STATE OF NEW JERSEY
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Joseph Hadley
Darnell Henry

Page 3

1

I N D E X

2

WITNESS DIRECT CROSS REDIRECT RECROSS

3

WILLIAM H. TIETJEN JR.

4

Ms. Bonjean 4 316

5

Mr. Lipshutz 303

6

Ms. Rosen 311

7

8

NOTE: Reporter retained exhibits.
(Attached herewith.)

9

E X H I B I T S

10

NUMBER DESCRIPTION FOR IDENT.

11

Tietjen-1, Tietjen Training Records, 24
Bates NJSP EVANS 503 through 506

12

13

Tietjen-2, Tietjen supplementary report 34
dated 6/25/09, Bates ECPO 1343 through
1361

14

15

Tietjen-3, Hairston reports, Bates ECPO 70
003548 through 003586

16

17

Tietjen-4, Bates Newark 60 through 62 73

18

Tietjen-5, transcript of Philander 246
Hampton interview 11/13/08, Bates ECPO
000342 through 426

19

20

Tietjen-6, Carrega affidavit in support 294
of arrest warrants, Bates ECPO 257
through 259

21

22

Tietjen-7, Tietjen supplemental report 303
dated 4/21/10, Bates ECPO 1315 through
1317

23

24

25

Page 4

1

WILLIAM TIETJEN, JR., called as a

2

witness, having been first duly sworn,

3

testified as follows:

4

DIRECT EXAMINATION BY MS. BONJEAN:

5

Q. Good morning, Mr. Tietjen.

6

A. Good morning.

7

Q. I am in Brooklyn, so there's often

8

background noise. I will apologize in advance if

9

you hear anything in the back that's distracting.

10

I'll do my best to keep the noise to a minimum.

11

And sometimes there are connectivity issues, so

12

don't hesitate to ask me to repeat something if I

13

break up or you need me to repeat.

14

Okay. But before we get started, I'm

15

going to ask that everyone place their appearances

16

on the record. So I'll start with myself.

17

My name is Jennifer Bonjean.

18

B-O-N-J-E-A-N. And I represent the plaintiff, Lee

19

Evans, in this matter.

20

MR. LIPSHUTZ: Good morning. Is it

21

sergeant, by the way?

22

THE WITNESS: It's sergeant.

23

Detective Sergeant First Class. DSFC.

24

MR. LIPSHUTZ: Okay. Detective

25

Sergeant, good morning. I said hello earlier. My

<p>Tietjen - Direct/Bonjean Page 5</p> <p>1 name is Gary Lipshutz. I am Assistant Corporation 2 Counsel and Chief of Litigation for the City of 3 Newark. I represent the City, former Director 4 McCarthy, former Mayor Booker, former Detective 5 Hadley, and Sergeant Henry, now chief of police. 6 Nice to meet you, sir. 7 MR. DiFRANCESCO: Good morning. 8 Victor DiFrancesco, New Jersey Attorney General's 9 Office. We are appearing on behalf of Sergeant 10 Tietjen, as well as the State of New Jersey. 11 MR. VOMACKA: This is Michael 12 Vomacka. I am also with Vic in the New Jersey 13 Office of the Attorney General, representing 14 Defendant Tietjen. 15 MS. ROSEN: Good morning. My name 16 Rebecca Rosen. I'm at Schenck, Price, Smith & 17 King, and I'm appearing on behalf of Defendant 18 Louis Carrega. 19 MS. BONJEAN: All right. And, Gary, 20 did you place on the record that your client's 21 were also present? Do you want to -- I don't know 22 if you did. I can't remember. 23 MR. LIPSHUTZ: I don't remember if I 24 did either, but present and observing the 25 deposition are the Defendants Henry and Hadley.</p>	<p>Tietjen - Direct/Bonjean Page 7</p> <p>1 may have given sworn testimony? 2 A. No. 3 Q. Well, I'm still going to go through 4 some ground rules so we can be on the same page 5 today, and hopefully things will go smoothly. 6 Okay. I'm going to be asking you questions and 7 expecting answers related to allegations that have 8 been raised in a civil complaint that was brought 9 by Lee Evans against yourself as a named defendant 10 and a number of other defendants. I'm looking for 11 full and complete answers to my questions to the 12 best of your ability. Do you understand that? 13 A. Yes. 14 Q. Okay. If you do not understand one 15 of my questions, please let me know, and I will 16 rephrase the question so that we are on the same 17 page. Okay? Understood? 18 A. Yes. 19 Q. All right. If you answer one of my 20 questions, I am going to assume that you understood 21 the question; is that fair? 22 A. Yes. 23 Q. You understand, sir, that you are 24 under oath today; correct? 25 A. Yes.</p>
<p>Tietjen - Direct/Bonjean Page 6</p> <p>1 MS. BONJEAN: And also, I should 2 point out my associate, Ashley Cohen, who is also 3 an attorney in this case, is present. She's going 4 to be joining us online, but she's doing some 5 other things at the moment. So we shall get 6 started. I'm going to -- there we go. Okay. 7 BY MS. BONJEAN: 8 Q. Good morning, Mr. Tietjen. As I 9 said, my name is Jennifer Bonjean. I'd like to 10 first begin by asking you whether you have ever had 11 your deposition taken before? 12 A. Yes, I have. 13 Q. How many times, sir, have you had 14 your deposition taken? 15 A. Don't know. I know I had a civil case, I 16 believe it was an accident, years ago. I don't 17 know exactly how many times I had a deposition 18 taken. 19 Q. Have you ever had your deposition 20 taken in connection with your work as a law 21 enforcement officer? 22 A. Yes, it was that prior civil case. 23 Q. Okay. Apart from the prior civil 24 case that you just mentioned, does anything else 25 come to mind in terms of any lawsuits in which you</p>	<p>Tietjen - Direct/Bonjean Page 8</p> <p>1 Q. And that's the same oath you would 2 take as if you were in a court of law? 3 A. Yes. 4 Q. If you need a break, let us know. 5 I'm happy to oblige you. Just, if there is a 6 question pending, I'd ask that you answer the 7 question before we break. Okay? 8 A. Yes. 9 Q. Okay. Can you think of any reasons 10 why you are unable to give full, complete, and 11 truthful testimony here today? 12 A. No. 13 Q. Okay. Can you please state your full 14 name? I know you did it, but will you please state 15 your full name and spell your name again for the 16 record? 17 A. William H. Tietjen, Junior. First name is 18 W-I-L-L-I-A-M. Middle initial H. Last name is T, 19 as in Tom, I-E-T-J-E-N. And I'm a junior. 20 Q. Also, I should have mentioned, the 21 attorneys may at various points lodge objections, 22 so I would recommend in the Zoom, the Zoom space 23 that we are in here, that maybe take a little, a 24 little pause to see if anyone has an objection 25 before answering. I know that's easier said than</p>

<p>Tietjen - Direct/Bonjean Page 9</p> <p>1 done, but that seems to work best, if you can 2 remember to do that. One other, I guess, 3 instruction I would give is that it's a natural 4 tendency to anticipate someone's questions and 5 start answering them before they've completed their 6 question, so I am going to ask that you do your 7 very best to let me complete my question even if 8 you know where I'm going with it, and I will do my 9 very best not to step on your answers. Okay? 10 A. Yes. 11 Q. Okay. Mr. Tietjen, without giving me 12 your address, where do you live? What part of New 13 Jersey? 14 A. Northwest New Jersey. 15 Q. And how long have you lived there? 16 A. Ten years plus. 17 Q. I assume you live there with your 18 family? 19 A. Yes. 20 Q. Are you currently employed? 21 A. Yes. 22 Q. What type of work do you do? 23 A. I am a Detective Sergeant First Class with 24 the New Jersey State Police. 25 Q. So you are still employed by the</p>	<p>Tietjen - Direct/Bonjean Page 11</p> <p>1 A. We investigate missing people; 2 unidentified, living, and deceased, Safe Haven 3 infants. We are also the Amber Alert coordinators 4 for the State of a New Jersey approving any Amber 5 Alerts. I guess that would cover it. 6 Q. How long have you been assigned to 7 that unit? 8 A. I started here in 2006, and I was here 9 through the end of 2008, and I returned in January 10 of 2013, and I've been here since then. 11 Q. Okay. Actually, I will probably go 12 through your employment history and assignments a 13 little more closely. I want to back up a second. 14 Tell me about your educational 15 history. Graduated high school? 16 A. Yes. 17 Q. What high school did you go to? 18 A. Phillipsburg High School in New Jersey. 19 Q. Phillipsburg, you said? 20 A. Yes. Phillipsburg. 21 Q. Phillipsburg. And upon graduation, 22 what did you do by way of either further education 23 or employment? 24 A. I went on to Rutgers University. 25 Q. What did you study at Rutgers?</p>
<p>Tietjen - Direct/Bonjean Page 10</p> <p>1 state police; is that right? Not retired? 2 A. Yes. 3 Q. And how long have you worked for the 4 state police? 5 A. 24 years. 6 Q. And forgive my math, when did you -- 7 what year did you start with the state police? 8 A. 1995. I am in my 25th year. 9 Q. Okay. Did you work in any law 10 enforcement capacities prior to working for the 11 state police? 12 A. No, I did not. 13 Q. So as a Detective Sergeant, you said, 14 First Class, was that -- 15 A. Yes. 16 Q. What does that mean in terms of your 17 duties and responsibilities? 18 A. I am the assistant unit head of the Missing 19 Persons Unit for the state police. 20 Q. Has the state police always had a 21 Missing Persons Unit since your tenure there? 22 A. Yes. 23 Q. And what does the missing -- I mean, 24 apart from the obvious, but what does the Missing 25 Persons Unit do exactly?</p>	<p>Tietjen - Direct/Bonjean Page 12</p> <p>1 A. Criminal justice. 2 Q. And did you graduate Rutgers? 3 A. Yes. 4 Q. What type of degree did you earn? 5 A. It was a Bachelor's of Science in 6 administration of justice. 7 Q. I'm sorry. Could you repeat that 8 again? 9 A. It was a -- my degree was administration of 10 justice. 11 Q. Was it a bachelor's degree or 12 associate's? 13 A. Bachelor's. 14 Q. Did you work while you were in 15 college? 16 A. Only construction. Yes, I did. 17 Q. Okay. Not law enforcement, but some 18 other type? 19 A. No, no. Summer work. 20 Q. Understood. And upon graduating from 21 Rutgers -- what year did you graduate, first of 22 all? 23 A. 1995. 24 Q. Okay. So, in 1995, then you went and 25 worked for the state police; is that right?</p>

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<p>Tietjen - Direct/Bonjean Page 13</p> <p>1 A. Correct.</p> <p>2 Q. Okay. Did you have to take any type</p> <p>3 of exam to be considered for a position with the</p> <p>4 state police?</p> <p>5 A. Yes.</p> <p>6 Q. What type of exam was that?</p> <p>7 A. It was a written exam. And that was in</p> <p>8 1994 I took that exam.</p> <p>9 Q. And is the state police like a civil</p> <p>10 service jurisdiction type of --</p> <p>11 A. It's not a civil service exam. It's a</p> <p>12 separate state police exam.</p> <p>13 Q. Okay. All right. And did you apply</p> <p>14 to any other law enforcement agencies other than</p> <p>15 the state police?</p> <p>16 A. I applied. An application. I never took</p> <p>17 any other tests.</p> <p>18 Q. Okay. And what department was that?</p> <p>19 A. That was South Brunswick Police Department.</p> <p>20 Q. Now, after you took the test, I</p> <p>21 assume you were offered a position at some point;</p> <p>22 is that right?</p> <p>23 A. Yes.</p> <p>24 Q. And you accepted that position? Tell</p> <p>25 me about, upon acceptance of that position, did you</p>	<p>Tietjen - Direct/Bonjean Page 15</p> <p>1 A. Approximately six months.</p> <p>2 Q. And what was involved in that?</p> <p>3 A. It was a general road duty assignment where</p> <p>4 you were assigned to a squad and you patrolled</p> <p>5 towns covered by the state police in Sussex</p> <p>6 County.</p> <p>7 Q. And did you do like traffic stops and</p> <p>8 things like that?</p> <p>9 A. Yeah, it was a full police entity. Traffic</p> <p>10 stops, accidents, domestics, anything that</p> <p>11 occurred within those municipalities that we</p> <p>12 covered.</p> <p>13 Q. Okay. And after that assignment,</p> <p>14 where did you go?</p> <p>15 A. I went on to Hope Station.</p> <p>16 Q. Same type of work?</p> <p>17 A. Yes.</p> <p>18 Q. And from there, where did you head?</p> <p>19 A. I went to Perryville Station.</p> <p>20 Q. Did there come a time when you held</p> <p>21 an assignment that was not your trooper duties that</p> <p>22 you've described, if that makes sense?</p> <p>23 A. Yes.</p> <p>24 Q. When was that?</p> <p>25 A. In May of 1999, I was moved into a</p>
<p>Tietjen - Direct/Bonjean Page 14</p> <p>1 go through some type of academy?</p> <p>2 A. Yes.</p> <p>3 Q. And how long did that academy last?</p> <p>4 A. I believe it was 26 weeks.</p> <p>5 Q. And as part of the academy, did you</p> <p>6 get any training, formalized or otherwise, in</p> <p>7 investigations, conducting investigations?</p> <p>8 A. After the academy you're asking? I don't</p> <p>9 understand what you're asking.</p> <p>10 Q. Yeah, sure. As part of your police</p> <p>11 academy training, did you receive any instruction</p> <p>12 in conducting investigations?</p> <p>13 A. In the academy, I believe it was very basic</p> <p>14 investigating.</p> <p>15 Q. And after your 26 weeks at the</p> <p>16 academy, I assume you were given your first</p> <p>17 assignment; is that right?</p> <p>18 A. Yes.</p> <p>19 Q. And where were you assigned?</p> <p>20 A. Sussex Station in Troop B.</p> <p>21 Q. Okay. And what was -- what's your</p> <p>22 rank coming right out of the academy?</p> <p>23 A. Trooper.</p> <p>24 Q. Trooper. How long did you hold that</p> <p>25 assignment?</p>	<p>Tietjen - Direct/Bonjean Page 16</p> <p>1 detective position as a station detective.</p> <p>2 Q. Okay. So would it be fair to say</p> <p>3 that between 1995 and 1999, you worked as a trooper</p> <p>4 doing, I don't want to say basic, but basic trooper</p> <p>5 duties?</p> <p>6 A. Yes.</p> <p>7 Q. And was the May 1999 assignment a</p> <p>8 promotion?</p> <p>9 A. No. It's just a status change. You put in</p> <p>10 for the job.</p> <p>11 Q. Okay. And did you ask for that --</p> <p>12 ask to be a detective, or how did you do that?</p> <p>13 A. You submit a resume, application. You go</p> <p>14 before a board, and you're selected after board</p> <p>15 interviews and a review of your resume.</p> <p>16 Q. Is it a competitive process?</p> <p>17 A. Yes.</p> <p>18 Q. Now, after you were selected for that</p> <p>19 assignment, did you have to undergo any specific</p> <p>20 training related to conducting investigations?</p> <p>21 A. Yes.</p> <p>22 Q. How long did that training last?</p> <p>23 A. I think the initial class was about two</p> <p>24 weeks, and then there were various classes that</p> <p>25 you would be assigned throughout your different</p>

<p>Tietjen - Direct/Bonjean Page 17</p> <p>1 time in the career.</p> <p>2 Q. I see. So kind of like continuing</p> <p>3 studies? Maybe that's the wrong word. But you had</p> <p>4 in-services or continuing training after that two</p> <p>5 weeks; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. Are you able to, again, to the best</p> <p>8 of your ability, summarize for me what your</p> <p>9 training looked like during those two weeks that</p> <p>10 you were training to be a detective?</p> <p>11 A. It's a basic criminal inves school that all</p> <p>12 detectives have to go to, and it covers all facets</p> <p>13 of state police investigative entities. More of</p> <p>14 like an introduction to, and they provide you with</p> <p>15 guidance on different cases in going through, and</p> <p>16 it's required before you can be -- your rank can</p> <p>17 be designated as detective.</p> <p>18 Q. Did you learn, for instance, how to</p> <p>19 conduct interviews of witnesses or suspects that</p> <p>20 might be involved in an investigation?</p> <p>21 A. I imagine it was in the class, but I also</p> <p>22 attended, like, interviewing/interrogation school</p> <p>23 as well.</p> <p>24 Q. I see. Do you remember approximately</p> <p>25 when you did that?</p>	<p>Tietjen - Direct/Bonjean Page 19</p> <p>1 thefts probably would be our most common.</p> <p>2 Q. I see. And how did that work with</p> <p>3 local municipalities, police departments? I mean,</p> <p>4 how did you decide -- or how was it decided whether</p> <p>5 or not a state trooper would conduct an</p> <p>6 investigation into say a burglary versus whatever</p> <p>7 local municipality was, law enforcement agency, was</p> <p>8 policing the area where -- that's a terrible</p> <p>9 question -- but I hope you understand what I'm</p> <p>10 saying.</p> <p>11 If a burglary occurred in a</p> <p>12 municipality where there was a law enforcement</p> <p>13 agency, how was it determined whether you would</p> <p>14 handle that or the local law enforcement agency</p> <p>15 would handle it?</p> <p>16 A. We would not cover any cases that were</p> <p>17 handled by a local law enforcement agency.</p> <p>18 Q. I see. So your jurisdiction were</p> <p>19 areas that were not covered by local law</p> <p>20 enforcement agencies; is that right?</p> <p>21 A. Yes.</p> <p>22 Q. Did you stay at Washington Station</p> <p>23 for a period of time?</p> <p>24 A. Yes.</p> <p>25 Q. How long?</p>
<p>Tietjen - Direct/Bonjean Page 18</p> <p>1 A. No. I would have to look at the</p> <p>2 transcript.</p> <p>3 Q. Fair enough. I may ask you some more</p> <p>4 questions about your training later, but we'll move</p> <p>5 on.</p> <p>6 After you completed the training, you</p> <p>7 now are assigned as a detective. Do you have a</p> <p>8 particular physical location where you're assigned?</p> <p>9 A. Yes. I was assigned at Washington Station.</p> <p>10 Q. Washington Station. And what were</p> <p>11 your day-to-day duties as a detective at the</p> <p>12 Washington Station?</p> <p>13 A. It was investigative assistance for the</p> <p>14 troopers who were on the road assigned to the</p> <p>15 station, and then we would follow up on</p> <p>16 investigations that they initiated, needed further</p> <p>17 assistance. We reviewed their investigations.</p> <p>18 And then we would take our own investigations, if</p> <p>19 someone called directly to us to handle within the</p> <p>20 communities we patrolled.</p> <p>21 Q. I see. What types of investigations</p> <p>22 would you say were most common? Again, we're</p> <p>23 talking in 1999 when you were working in this</p> <p>24 detective position.</p> <p>25 A. We would get involved in burglaries and</p>	<p>Tietjen - Direct/Bonjean Page 20</p> <p>1 A. Approximately a year.</p> <p>2 Q. Do you recall where you went after</p> <p>3 that?</p> <p>4 A. Sussex Station.</p> <p>5 Q. Again, doing the same type of work?</p> <p>6 A. Yes.</p> <p>7 Q. And how long were you at Sussex?</p> <p>8 A. Approximately a year and a half.</p> <p>9 Q. Okay. So does that bring us to like</p> <p>10 early 2000s?</p> <p>11 A. Yes.</p> <p>12 Q. All right. Again, were you doing the</p> <p>13 same type of work there?</p> <p>14 A. Yes, yes.</p> <p>15 Q. Same types of investigations that you</p> <p>16 were conducting?</p> <p>17 A. Yes.</p> <p>18 Q. Had you worked on any murder</p> <p>19 investigations at that point?</p> <p>20 A. No. Oh, when I was at Sussex, I was</p> <p>21 assigned to like a long-term multi-victim case as</p> <p>22 part of the task force.</p> <p>23 Q. Okay. Is that how state police</p> <p>24 usually get involved in serious investigations,</p> <p>25 like murder investigations, usually as part of a</p>

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<p>Tietjen - Direct/Bonjean Page 21</p> <p>1 task force?</p> <p>2 A. No. If we had a murder within our station</p> <p>3 area while I was assigned there, we would be the</p> <p>4 investigating authority for that. But this was a</p> <p>5 state police case that our Major Crime Unit was</p> <p>6 running that grabbed detectives for a task force</p> <p>7 in furtherance of that investigation.</p> <p>8 Q. I see. After Sussex, where did you</p> <p>9 go?</p> <p>10 A. I went to Newark Station on the New Jersey</p> <p>11 Turnpike.</p> <p>12 Q. Okay. And how long were you there?</p> <p>13 A. From roughly around 2000 -- end of 2001</p> <p>14 through January of 2006.</p> <p>15 Q. Okay. So for a while?</p> <p>16 A. Yes.</p> <p>17 Q. Did you still hold the same position</p> <p>18 while you were at Newark Station?</p> <p>19 A. Yes.</p> <p>20 Q. And that was as a detective?</p> <p>21 A. Yes. Station detective, yes.</p> <p>22 Q. Station detective. I'm sorry. I'm</p> <p>23 not used to the state law enforcement lingo as much</p> <p>24 as I am other departments, so bear with me if I</p> <p>25 need clarification or need you to repeat something.</p>	<p>Tietjen - Direct/Bonjean Page 23</p> <p>1 A. I was in two other units in the middle of</p> <p>2 that time as well.</p> <p>3 Q. Yeah. I think you said in 2006 and</p> <p>4 2008?</p> <p>5 A. Yes.</p> <p>6 Q. Where did you go?</p> <p>7 A. December 2008, I went on to the Fugitive</p> <p>8 Unit as a --</p> <p>9 Q. Fugitive Unit. Is that tracking down</p> <p>10 fugitives?</p> <p>11 A. Yes.</p> <p>12 Q. Any other assignments since 2001</p> <p>13 other than the Missing Persons Unit and the</p> <p>14 Fugitive Unit?</p> <p>15 A. The Alcohol Drug Test Unit.</p> <p>16 Q. The Alcohol Drug Test Unit?</p> <p>17 A. Yes.</p> <p>18 Q. What's that?</p> <p>19 A. That's -- they do the alcohol drug testing</p> <p>20 system. The Breathalyzer is, I guess, the easiest</p> <p>21 term.</p> <p>22 Q. When were you there?</p> <p>23 A. September of '12 through January of '13.</p> <p>24 Q. You mentioned that in addition to the</p> <p>25 two-week training that you underwent when you</p>
<p>Tietjen - Direct/Bonjean Page 22</p> <p>1 Where did you go after Newark</p> <p>2 Station?</p> <p>3 A. I went to the Missing Persons Unit.</p> <p>4 Q. Okay. And where is the Missing</p> <p>5 Persons Unit located?</p> <p>6 A. Division headquarters in West Trenton, New</p> <p>7 Jersey.</p> <p>8 Q. How many people make up the Missing</p> <p>9 Persons headquarters?</p> <p>10 A. Every year -- it depends. We've had a high</p> <p>11 of ten and probably a low of five.</p> <p>12 Q. And you said the Missing Persons Unit</p> <p>13 was in existence since you started in 1995, so it</p> <p>14 was already very much an operating unit at the time</p> <p>15 that you joined it; right?</p> <p>16 A. Yes.</p> <p>17 Q. Did you ask for that position, or</p> <p>18 were you assigned there?</p> <p>19 A. I asked.</p> <p>20 Q. Did you have -- what was your</p> <p>21 interest in working in the Missing Persons Unit?</p> <p>22 A. It was a type of investigation that I saw</p> <p>23 value or enjoyment in furthering.</p> <p>24 Q. Okay. Gotcha. Is it fair to say</p> <p>25 you've been there ever since?</p>	<p>Tietjen - Direct/Bonjean Page 24</p> <p>1 became a detective that there was additional</p> <p>2 training that you participated in over the course</p> <p>3 of your time in the Missing Persons Unit; is that</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. Can you tell me about what type of</p> <p>7 training you did apart from that two-week training</p> <p>8 related to conducting investigations, to the best</p> <p>9 of your memory?</p> <p>10 A. Sex crimes, interview/interrogation,</p> <p>11 identity theft. We have a money laundering on</p> <p>12 there, too. Trucks and terrorism. Some narcotics</p> <p>13 class.</p> <p>14 Q. I'm going to have you look at a</p> <p>15 document.</p> <p>16 A. A juvenile interview class I went through</p> <p>17 as well.</p> <p>18 Q. I am going to have you look at a</p> <p>19 document that we're going to mark. If you look at</p> <p>20 the file that you have, I believe it says "Training</p> <p>21 Records Tietjen."</p> <p>22 MS. BONJEAN: And I think you have</p> <p>23 that also, Audrey.</p> <p>24 (Tietjen-1, Tietjen Training Records,</p> <p>25 Bates NJSP EVANS 503 through 506, was received and</p>

<p>Tietjen - Direct/Bonjean Page 25</p> <p>1 marked for identification.)</p> <p>2 Q. Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. I have handed you what we are going</p> <p>5 to mark as Tietjen-1. Do you recognize that</p> <p>6 document, Mr. Tietjen?</p> <p>7 A. Yes.</p> <p>8 Q. I'm sorry. And I know you are still</p> <p>9 sworn personnel, so I don't mean to call you</p> <p>10 Mister. Sergeant Tietjen. Is that right?</p> <p>11 A. Yes.</p> <p>12 Q. What do you recognize that document</p> <p>13 to be?</p> <p>14 A. It's our online list of courses, ranking,</p> <p>15 and organizations you were part of throughout your</p> <p>16 career.</p> <p>17 Q. Does that reflect the trainings you</p> <p>18 received over the course of your time with the</p> <p>19 state police, I guess at least between -- it says</p> <p>20 '89. I think -- I don't know if that's accurate.</p> <p>21 That might be a typo.</p> <p>22 A. That's a typo.</p> <p>23 Q. Yeah, because I know you said you</p> <p>24 didn't start there until '95, so... But does this</p> <p>25 generally reflect the class work and training you</p>	<p>Tietjen - Direct/Bonjean Page 27</p> <p>1 Q. And are there different levels of</p> <p>2 being a detective, I assume? Sounds so.</p> <p>3 A. Yes.</p> <p>4 Q. Is that based on experience?</p> <p>5 A. It's a year of service.</p> <p>6 Q. Okay. And apart from the different</p> <p>7 levels of detectives, what's the next rank up from</p> <p>8 there?</p> <p>9 A. It would be Detective Sergeant.</p> <p>10 Q. And is that what you are?</p> <p>11 A. No. I'm a Detective Sergeant First Class.</p> <p>12 I'm the next above.</p> <p>13 Q. Okay. And how many detective levels</p> <p>14 are there, or is it as many as your years are?</p> <p>15 A. No, there's -- well, there's -- you could</p> <p>16 be a Detective, a Detective 2, a Detective 1, a</p> <p>17 Detective Sergeant, and then a Detective Sergeant</p> <p>18 First Class.</p> <p>19 Q. So you are a Detective Sergeant First</p> <p>20 Class. And tell me when did you become first a</p> <p>21 Detective Sergeant?</p> <p>22 A. In 2000 -- well, I was trained through the</p> <p>23 Fugitive Unit. Our process is related to you're</p> <p>24 in an acting capacity. So I was a Detective</p> <p>25 Sergeant there, and I was promoted while I was in</p>
<p>Tietjen - Direct/Bonjean Page 26</p> <p>1 received between '95 and November of 2017?</p> <p>2 A. It does, except for portions that were</p> <p>3 outside of an SP program.</p> <p>4 Q. I'm sorry. Can you repeat that?</p> <p>5 A. You could take a course, like I've taken</p> <p>6 courses, and you have to fill out documentation,</p> <p>7 either include it into in your resume or not. So</p> <p>8 in my recent term, many of my recent classes are</p> <p>9 not on here at all because it would require me to</p> <p>10 fill out a form and submit it, and there's -- no,</p> <p>11 they are not listed.</p> <p>12 Q. Okay. Fair enough. What about,</p> <p>13 let's say, would you say it's accurate to the</p> <p>14 extent that it reflects your training between,</p> <p>15 we'll say, January of 2007 through October of 2012?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Now, at some point you sought</p> <p>18 a promotion and received a promotion; am I right?</p> <p>19 A. All of my promotions were not sought. They</p> <p>20 were -- you're selected.</p> <p>21 Q. Gotcha. And when you were working in</p> <p>22 the Missing Persons Unit between 2001 and 2006,</p> <p>23 what was your rank?</p> <p>24 A. I was Detective -- I was Detective 1 at the</p> <p>25 time.</p>	<p>Tietjen - Direct/Bonjean Page 28</p> <p>1 the Fugitive Unit to Detective Sergeant. And that</p> <p>2 was in, I think -- my promotion came out</p> <p>3 September 25th of '10. 2010.</p> <p>4 Q. And these assignments that are listed</p> <p>5 in Tietjen-1, does that appear to be an accurate</p> <p>6 reflection of your assignments?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Great. You can put that</p> <p>9 aside.</p> <p>10 (Videographer joined proceedings.)</p> <p>11 THE VIDEOGRAPHER: My name is John</p> <p>12 Edmunds. I'll be operating the videotape</p> <p>13 equipment this morning and this afternoon.</p> <p>14 MS. BONJEAN: I think for the</p> <p>15 purposes of the video, I'm just going to ask --</p> <p>16 I'm not going to go back over anything. I'm just</p> <p>17 going to ask him to reintroduce himself, spell his</p> <p>18 name for the record for purposes of the video.</p> <p>19 THE WITNESS: William Tietjen,</p> <p>20 Junior.</p> <p>21 THE VIDEOGRAPHER: Before you do</p> <p>22 that, sir, let me just put you on the screen. Who</p> <p>23 is the witness? Could you raise your hand,</p> <p>24 please? Very good. You can proceed.</p> <p>25 MS. BONJEAN: Thank you.</p>

<p>Tietjen - Direct/Bonjean Page 29</p> <p>1 BY MS. BONJEAN:</p> <p>2 Q. I am going to ask the deponent to</p> <p>3 please, for about the fifth time, identify himself</p> <p>4 for the videographer's purpose, and spell your full</p> <p>5 name again, sir.</p> <p>6 A. William H. Tietjen, Junior. First name</p> <p>7 W-I-L-L-I-A-M. Middle initial is H. Last name is</p> <p>8 T-I-E-T-J-E-N. Junior, J-R.</p> <p>9 Q. Thank you. We just left off talking</p> <p>10 a little bit about your employment history. I</p> <p>11 wanted to move on to ask you what, sir, did you do</p> <p>12 to prepare for your deposition here today?</p> <p>13 A. I reviewed the documents that were provided</p> <p>14 to me last evening.</p> <p>15 Q. And did you take any other actions in</p> <p>16 preparation for your deposition here today other</p> <p>17 than looking at the documents that were sent along</p> <p>18 to you?</p> <p>19 A. No, I did not.</p> <p>20 Q. And without revealing any</p> <p>21 communications, can you tell me whether you met</p> <p>22 with your attorneys in preparation for your</p> <p>23 deposition here today?</p> <p>24 A. I had phone conversations.</p> <p>25 Q. How many phone conversations did you</p>	<p>Tietjen - Direct/Bonjean Page 31</p> <p>1 complaint, what's your understanding of what</p> <p>2 Mr. Evans is complaining about?</p> <p>3 A. I believe he's stating he was wrongfully</p> <p>4 accused of this crime.</p> <p>5 Q. Okay. Now, you know that there were</p> <p>6 many defendants that were named along with yourself</p> <p>7 in this case, and now there is a smaller group of</p> <p>8 defendants. I want to ask you about some of them.</p> <p>9 Well, first let me start, were you</p> <p>10 the only state police officer who worked on this</p> <p>11 investigation?</p> <p>12 A. No.</p> <p>13 Q. Okay. How many state police</p> <p>14 personnel worked on this, if you know?</p> <p>15 A. I don't know. I know we had a detective in</p> <p>16 1988, I guess, and a polygraphist helped as well.</p> <p>17 (Reporter requested clarification.)</p> <p>18 MS. BONJEAN: I think he said a --</p> <p>19 THE WITNESS: He did a polygraph.</p> <p>20 Q. I almost said polygamist, but I know</p> <p>21 that's not what --</p> <p>22 A. Polygraphist. A guy in our Polygraph Unit.</p> <p>23 Q. Do you know Mr. Hadley? Or I don't</p> <p>24 know if he's retired right now. But do you know</p> <p>25 Joe Hadley?</p>
<p>Tietjen - Direct/Bonjean Page 30</p> <p>1 have?</p> <p>2 A. A total of three.</p> <p>3 Q. Can you estimate how long each of</p> <p>4 those conversations lasted?</p> <p>5 A. I believe the first two were more</p> <p>6 introductory in setting up previous dates. And</p> <p>7 then last night we spoke for about 15 minutes, I</p> <p>8 guess.</p> <p>9 Q. Have you read the complaint in this</p> <p>10 case, Sergeant Tietjen?</p> <p>11 A. I saw a copy of it years ago. I do not</p> <p>12 have a copy of it now.</p> <p>13 Q. That's fine. I just wasn't sure if</p> <p>14 you ever had a chance to look at it. But it's not</p> <p>15 something you looked at recently; correct?</p> <p>16 A. No.</p> <p>17 Q. And what's your understanding of why</p> <p>18 you have been sued in connection with this case?</p> <p>19 A. Because I was part of the investigation.</p> <p>20 Q. What is your understanding of why</p> <p>21 there is a lawsuit being brought in connection with</p> <p>22 this case for any reason, if you know?</p> <p>23 A. I don't know, except for what the complaint</p> <p>24 stated.</p> <p>25 Q. And based on your recollection of the</p>	<p>Tietjen - Direct/Bonjean Page 32</p> <p>1 A. I know him from working with him on this</p> <p>2 case, yes.</p> <p>3 Q. And have you had any contact with him</p> <p>4 since 2011?</p> <p>5 A. Not that I can -- no.</p> <p>6 Q. Okay. Do you remember the last time</p> <p>7 you spoke to Detective Hadley?</p> <p>8 A. Probably around the time of the trial.</p> <p>9 Q. But you haven't maintained any</p> <p>10 contact with him since the trial?</p> <p>11 A. No.</p> <p>12 Q. And have you had any conversations</p> <p>13 with Detective Hadley in connection with the civil</p> <p>14 lawsuit that was brought by Mr. Evans?</p> <p>15 A. No.</p> <p>16 Q. What about Chief Henry, when is the</p> <p>17 last time you spoke to Chief Henry about the</p> <p>18 subject matter of this case?</p> <p>19 A. Probably, again, the same time of trial.</p> <p>20 Q. So Chief Henry and Detective Hadley</p> <p>21 are not individuals who you maintain contact with;</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. What about Lieutenant Carrega, now</p> <p>25 retired, I believe, when was the last time you</p>

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<p>Tietjen - Direct/Bonjean Page 33</p> <p>1 spoke to him?</p> <p>2 A. The trial as well.</p> <p>3 Q. All right. I want to now hone in a</p> <p>4 little bit about -- in on your work on the five</p> <p>5 missing boys. And to the extent that you need to</p> <p>6 refresh your recollection, that's fine. I may ask</p> <p>7 you to try to remember to the best of your ability,</p> <p>8 and then we'll see how far we get, and then we can</p> <p>9 refer to your reports, if necessary. Okay?</p> <p>10 A. Yes.</p> <p>11 Q. Do you recall when it was that you</p> <p>12 became involved in the investigation of the missing</p> <p>13 boys from Newark that went missing in 1978?</p> <p>14 A. May of 2008.</p> <p>15 Q. And describe for me the circumstances</p> <p>16 under which you were brought into the case?</p> <p>17 A. Lieutenant Carrega from the Essex County</p> <p>18 Prosecutor's Office contacted my unit looking for</p> <p>19 any assistance or any reports that we might have</p> <p>20 had from the prior involvement in this case.</p> <p>21 Q. And when Lieutenant Carrega contacted</p> <p>22 your unit, would that have been the Missing Persons</p> <p>23 Unit that you were working in?</p> <p>24 A. Yes.</p> <p>25 Q. And did you speak directly with</p>	<p>Tietjen - Direct/Bonjean Page 35</p> <p>1 A. Yes, yes.</p> <p>2 Q. Okay. I just want to make sure that</p> <p>3 we have the same document. And it is a report that</p> <p>4 is 19 pages; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Can you please identify this</p> <p>7 report?</p> <p>8 A. It's a supplemental investigation report</p> <p>9 that I authored.</p> <p>10 Q. All right. And this is your report;</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. And it has your signature on every</p> <p>14 page actually of this report; correct?</p> <p>15 A. Yes.</p> <p>16 Q. And you used the New Jersey State</p> <p>17 Police formatting for reflecting your work in this</p> <p>18 case; am I correct about that?</p> <p>19 A. Yes.</p> <p>20 Q. All right. So I am going to refer</p> <p>21 you to the first page, and there is some boxes that</p> <p>22 are on the first half of the page, but at the</p> <p>23 bottom it looks like it starts sort of a narrative</p> <p>24 of the work you did in connection with this</p> <p>25 investigation. Is that a fair characterization?</p>
<p>Tietjen - Direct/Bonjean Page 34</p> <p>1 Lieutenant Carrega when he called?</p> <p>2 A. That -- I have to look and see. I think I</p> <p>3 spoke to him later that date and set up a meeting</p> <p>4 with him. It was May 2nd when he called here, and</p> <p>5 then I think -- I would have to turn to the next</p> <p>6 page to see the exact date when I spoke to him.</p> <p>7 Q. Why don't we go ahead and mark your</p> <p>8 report now so that we can have that at your</p> <p>9 disposal.</p> <p>10 MS. BONJEAN: It is going to be, for</p> <p>11 everyone else, I believe it's, "Tietjen Sup</p> <p>12 6/25/2009." And if you could mark that, Audrey,</p> <p>13 as Tietjen-2, I guess.</p> <p>14 (Tietjen-2, Tietjen supplementary</p> <p>15 report dated 6/25/09, Bates ECPO 1343 through</p> <p>16 1361, was received and marked for identification.)</p> <p>17 Q. If you can pull that out and refer to</p> <p>18 it to the extent you need it. Okay?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. I'm first going to have you</p> <p>21 looked at what's now been marked as Tietjen-2, and</p> <p>22 I'm going to represent it bears a Bates stamp at</p> <p>23 the bottom that says, ECPO 001343 on the first</p> <p>24 page. Is that what you're showing as well,</p> <p>25 Sergeant?</p>	<p>Tietjen - Direct/Bonjean Page 36</p> <p>1 A. Yes.</p> <p>2 Q. All right. And I notice that the</p> <p>3 report is dated 6/25/2009. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Obviously, it reflects work that you</p> <p>6 did in May of 2008 and dates prior to June of 2009.</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. How did this report get prepared?</p> <p>10 I'll just leave the question as open-ended as that.</p> <p>11 How did it get prepared? If you understand. I can</p> <p>12 clarify if you don't.</p> <p>13 A. I typed the report for areas of the</p> <p>14 investigation that I was involved in.</p> <p>15 Q. Did you type the report on or around</p> <p>16 June 25th of 2009?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And all of the information</p> <p>19 that is reflected in this report that reflects law</p> <p>20 enforcement activity or investigative work that</p> <p>21 predated June 25th, 2009, did you get that</p> <p>22 information from your memory, or how did you</p> <p>23 memorialize information?</p> <p>24 A. I had notes.</p> <p>25 Q. So there were original notes that you</p>

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<p>Tietjen - Direct/Bonjean Page 37</p> <p>1 had?</p> <p>2 A. Yes.</p> <p>3 Q. How did you take notes back in, I</p> <p>4 guess, May of 2008?</p> <p>5 A. Either on a notepad or in a, like a binder</p> <p>6 pad.</p> <p>7 Q. So it was just like basically a</p> <p>8 regular notebook with blank pieces of paper?</p> <p>9 A. Yes.</p> <p>10 Q. And you would memorialize your work</p> <p>11 in that notebook, handwritten notes; is that --</p> <p>12 A. Yes, yes.</p> <p>13 Q. And then I assume in and around</p> <p>14 June 25th, 2009, you referred back to your notes to</p> <p>15 create this final document or final product; is</p> <p>16 that right?</p> <p>17 A. Yes.</p> <p>18 Q. What did you do with your original</p> <p>19 notes?</p> <p>20 A. Don't know.</p> <p>21 Q. Okay. Do you know whether or not you</p> <p>22 maintained them?</p> <p>23 A. Don't know.</p> <p>24 Q. Do you recall whether or not you</p> <p>25 provided those notes to, the original notes, to any</p>	<p>Tietjen - Direct/Bonjean Page 39</p> <p>1 but I haven't looked for original notes on this</p> <p>2 case.</p> <p>3 Q. Okay. And was it your practice to,</p> <p>4 once you put information from your handwritten</p> <p>5 notes into a final report, that you would hold onto</p> <p>6 your notes for a period of time, and not just in</p> <p>7 this case, but in any case?</p> <p>8 A. No. It would depend on what they were</p> <p>9 contained within, whether be a five-subject</p> <p>10 notepad that I continuously used throughout, or</p> <p>11 like a pad you keep in your rear pocket or in your</p> <p>12 coat pocket when you're working a job.</p> <p>13 Q. Okay. Did you eventually destroy or</p> <p>14 throw away your notes at some point? Again, I'm</p> <p>15 just going to direct you to your general habit or</p> <p>16 practice during this time period of 2008?</p> <p>17 A. Notepad, the small notepad, they would have</p> <p>18 been thrown away.</p> <p>19 Q. Okay. And was there any policy or</p> <p>20 practice of the department that required you to</p> <p>21 turn in your handwritten notes to somebody for</p> <p>22 preservation?</p> <p>23 A. Not that I can recall.</p> <p>24 Q. As you sit here today, you don't</p> <p>25 recall specifically what you did with your</p>
<p>Tietjen - Direct/Bonjean Page 38</p> <p>1 supervisor or any other individual?</p> <p>2 A. No.</p> <p>3 Q. You don't recall, or you're sure that</p> <p>4 you wouldn't have given them to somebody else?</p> <p>5 A. I'm pretty positive I didn't give them to</p> <p>6 anybody else.</p> <p>7 Q. Okay. You don't remember handing</p> <p>8 them over to the Essex County prosecutor; is that</p> <p>9 right?</p> <p>10 A. No.</p> <p>11 Q. So once you put your information into</p> <p>12 your final report, you kept your notes, but you</p> <p>13 don't recall what, if anything, you did with them;</p> <p>14 is that fair?</p> <p>15 A. Correct.</p> <p>16 Q. Do you know if you still have your</p> <p>17 notes?</p> <p>18 A. Don't know. I don't know.</p> <p>19 Q. Well, do you have any of your</p> <p>20 notes -- well, strike that.</p> <p>21 Let me ask you this. What was your</p> <p>22 habit back in 2008 in terms of maintaining your</p> <p>23 original notes, if you had one?</p> <p>24 A. I would have some binders that were still</p> <p>25 from different cases, just in a pile in my office,</p>	<p>Tietjen - Direct/Bonjean Page 40</p> <p>1 handwritten notes for the missing boys</p> <p>2 investigation; right?</p> <p>3 A. No, I don't recall.</p> <p>4 Q. But it sounds like it's possible that</p> <p>5 you may still have them; is that correct?</p> <p>6 A. I don't know.</p> <p>7 Q. Okay. Would you mind looking?</p> <p>8 A. I guess I could try to look, yeah.</p> <p>9 Q. Right. Thank you. I would ask that</p> <p>10 you, if you could, look for any original</p> <p>11 handwritten notes that you might have and then let</p> <p>12 your attorney know so they can let me know. Okay?</p> <p>13 A. Okay.</p> <p>14 Q. Looking at Tietjen-2, in the</p> <p>15 narrative section, you identified the missing young</p> <p>16 men who were juveniles at the time.</p> <p>17 Did you have any independent</p> <p>18 knowledge about this case prior to getting</p> <p>19 involved? The missing boys.</p> <p>20 A. I think I may have seen a news article on</p> <p>21 it at some point, or information, but not from my</p> <p>22 recollection.</p> <p>23 Q. And you also saw that there were</p> <p>24 suspects -- or you also list that there were</p> <p>25 suspects, Lee Evans and Philander Hampton; right?</p>

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<p>Tietjen - Direct/Bonjean Page 41</p> <p>1 A. Correct.</p> <p>2 Q. And, again, this would have been</p> <p>3 information that you obtained when you were first</p> <p>4 assigned to the case, I assume, since it's the</p> <p>5 start of your narrative; is that right?</p> <p>6 A. No.</p> <p>7 Q. I'm sorry?</p> <p>8 A. No, that's not true.</p> <p>9 Q. Okay. So what -- explain to me how</p> <p>10 the information got here at the beginning of your</p> <p>11 narrative?</p> <p>12 A. The spot where we would list suspects on</p> <p>13 our report?</p> <p>14 Q. Yeah.</p> <p>15 A. So throughout that time from May of 2008</p> <p>16 through the end of this report, those two</p> <p>17 individuals became suspects at some point in</p> <p>18 there.</p> <p>19 Q. I see. So this information that I</p> <p>20 will say is above the date, May 2nd, 2008, is</p> <p>21 information for summary information that you</p> <p>22 included when you prepared the report back in June</p> <p>23 of 2009, and for the record, that is your</p> <p>24 collective belief or understanding of the case;</p> <p>25 right?</p>	<p>Tietjen - Direct/Bonjean Page 43</p> <p>1 this investigation and possibly looking to see if</p> <p>2 he had reports on it.</p> <p>3 Q. So was his interest primarily to see</p> <p>4 what sort of paperwork the state police had</p> <p>5 generated in connection with the case previously?</p> <p>6 A. I don't know. He contacted for general</p> <p>7 assistance with the case.</p> <p>8 Q. What does general assistance mean to</p> <p>9 you?</p> <p>10 A. It would be somebody just calling, an</p> <p>11 agency calling to see if we, number one, had</p> <p>12 anything, if we knew of anything, and then</p> <p>13 potentially if we could offer them anything, or</p> <p>14 any assistance on the case.</p> <p>15 Q. Okay. And you said that you did</p> <p>16 eventually speak with Lieutenant Carrega yourself</p> <p>17 on May 2nd, 2008?</p> <p>18 A. Yes.</p> <p>19 Q. And was that in a subsequent</p> <p>20 conversation, or did Jones hand you the phone, or</p> <p>21 how did that work?</p> <p>22 A. I do not recall that.</p> <p>23 Q. Okay. Tell me what you recall about</p> <p>24 your conversation with Lieutenant Carrega on May</p> <p>25 2nd of 2008?</p>
<p>Tietjen - Direct/Bonjean Page 42</p> <p>1 A. Yes.</p> <p>2 Q. All right.</p> <p>3 (Reporter requested clarification.)</p> <p>4 Q. I'm still on the first page of your</p> <p>5 report. There is a narrative section that is</p> <p>6 preceded by the date May 2nd, 2008. Do you see</p> <p>7 that?</p> <p>8 A. Yes.</p> <p>9 Q. Now, what happened on May 2nd, 2008?</p> <p>10 A. That is the day that Lieutenant Carrega</p> <p>11 contacted my unit.</p> <p>12 Q. And when you say contacted your unit,</p> <p>13 do you recall if he spoke to you or someone else?</p> <p>14 A. No. He spoke to my assistant unit head at</p> <p>15 the time.</p> <p>16 Q. And was that Jones?</p> <p>17 A. Yes.</p> <p>18 Q. And do you know whether or not</p> <p>19 Mr. Jones -- well, strike that. I'm sorry.</p> <p>20 Did you have any conversations with</p> <p>21 Lieutenant Carrega on May 2nd of 2008?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. So what was your understanding</p> <p>24 of what Carrega told Jones?</p> <p>25 A. That he was looking for assistance with</p>	<p>Tietjen - Direct/Bonjean Page 44</p> <p>1 A. We set up -- agreed to meet on May 9th at</p> <p>2 the Essex County Prosecutor's Office.</p> <p>3 Q. What else did he tell you about the</p> <p>4 case?</p> <p>5 A. That -- he told me that he had a main</p> <p>6 suspect in the case of Lee Evans.</p> <p>7 Q. Did he tell you anything else about</p> <p>8 the case?</p> <p>9 A. Not on that date, no.</p> <p>10 Q. Now, I know you are looking at your</p> <p>11 report --</p> <p>12 A. Sure.</p> <p>13 Q. -- to refresh your recollection, and</p> <p>14 that's fine. I would just ask, though, that you</p> <p>15 also think about whether you have any additional,</p> <p>16 independent recollection of information that may</p> <p>17 have been communicated that is not reflected here</p> <p>18 because, for whatever reason, maybe you didn't</p> <p>19 think it was important to put in here.</p> <p>20 So, apart from what you have read on</p> <p>21 this report, can you think of any other information</p> <p>22 that Lieutenant Carrega provided to you during your</p> <p>23 phone conversation on May 2nd of 2008?</p> <p>24 A. No.</p> <p>25 Q. Do you recall whether in that phone</p>

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<p>Tietjen - Direct/Bonjean Page 45</p> <p>1 conversation he told you that he wanted you</p> <p>2 actively involved in the investigation or asked</p> <p>3 whether you would be interested in being involved</p> <p>4 in the investigation?</p> <p>5 A. No.</p> <p>6 Q. Did he explain to you who was in</p> <p>7 charge of the investigation?</p> <p>8 A. He was.</p> <p>9 Q. How did you -- well, strike that.</p> <p>10 He told he was in charge of the</p> <p>11 investigation or leading the investigation?</p> <p>12 A. He was -- he expressed to me he was on the</p> <p>13 Cold Case Unit for the Essex County Prosecutor's</p> <p>14 Office looking at this case, so that would mean he</p> <p>15 was the lead of that aspect.</p> <p>16 Q. Did he tell you who else was</p> <p>17 participating in this cold case investigation?</p> <p>18 A. Not that I recall.</p> <p>19 Q. Were you aware whether or not the</p> <p>20 Essex County Prosecutor's Office had a Cold Case</p> <p>21 Unit?</p> <p>22 A. No.</p> <p>23 Q. Were you familiar with the concept of</p> <p>24 a Cold Case Unit back in 2008?</p> <p>25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 47</p> <p>1 A. No.</p> <p>2 Q. He just said he believed that Lee</p> <p>3 Evans was the main suspect, and that was pretty</p> <p>4 much the extent of his -- the conversation?</p> <p>5 A. Well, I can't recall the exact</p> <p>6 conversation, but he had mentioned that Lee Evans</p> <p>7 was a suspect in their disappearance.</p> <p>8 Q. But you don't recall him mentioning</p> <p>9 anybody else as a suspect?</p> <p>10 A. No.</p> <p>11 Q. Now, it looks like that you -- he</p> <p>12 asked you to do something because you did some</p> <p>13 investigative work subsequent to that conversation;</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. What did you do?</p> <p>17 A. On May 8th, he contacted me again, and he</p> <p>18 was looking to speak to a potential witness,</p> <p>19 Philander Hampton.</p> <p>20 Q. I noticed in your report, if you look</p> <p>21 at page 2, you did do some, I guess, research into</p> <p>22 the --</p> <p>23 (Connectivity issues.)</p> <p>24 MR. VOMACKA: The audio cut off.</p> <p>25 Would you repeat that?</p>
<p>Tietjen - Direct/Bonjean Page 46</p> <p>1 Q. Okay. What was your understanding of</p> <p>2 what a Cold Case Unit does?</p> <p>3 A. That you would review cases that have</p> <p>4 extended beyond a certain period of time,</p> <p>5 typically identified by the department, at the</p> <p>6 time of it. It would then go into a Cold Case</p> <p>7 Unit. Whether it be Cold Case Missing Persons,</p> <p>8 Homicide, or Unidentified Remains.</p> <p>9 Q. And Lieutenant Carrega told you that</p> <p>10 they had a main suspect Lee Evans. Did he mention</p> <p>11 any other suspects in the case other than Lee Evans</p> <p>12 when he first spoke to you on May 2nd, 2008?</p> <p>13 A. No, he did not.</p> <p>14 Q. Did he mention how long the</p> <p>15 investigation had been going on since it had been</p> <p>16 reopened, if that makes sense?</p> <p>17 A. No.</p> <p>18 Q. I guess the better way to ask the</p> <p>19 question is did he tell you how long he had been</p> <p>20 working on this cold case prior to contacting you?</p> <p>21 A. No.</p> <p>22 Q. Did he indicate to you any theories</p> <p>23 about how he thought that the boys had either been</p> <p>24 murdered or had gone missing during this first</p> <p>25 conversation?</p>	<p>Tietjen - Direct/Bonjean Page 48</p> <p>1 MS. BONJEAN: Sure, yes.</p> <p>2 Q. Sergeant Tietjen, according to your</p> <p>3 report on page 2, it looks to me as if you did some</p> <p>4 research looking into the files that the state</p> <p>5 police may have had related to these missing boys;</p> <p>6 is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And did you do that because</p> <p>9 you were asked to do that, or did you do that just</p> <p>10 on your own as part of your inquiry?</p> <p>11 A. That would be on my own.</p> <p>12 Q. Did Lieutenant Carrega ask you to</p> <p>13 confirm, or try to find information that might</p> <p>14 confirm, whether or not the boys were still alive,</p> <p>15 or was it assumed that they were dead at that</p> <p>16 point?</p> <p>17 A. I believe we had a conversation at some</p> <p>18 point. I don't know which day. I know I checked</p> <p>19 Experian, which was a social security number</p> <p>20 search, as well as reviewing the entries.</p> <p>21 Q. Right. And I see that on the second</p> <p>22 page of your report, you mention that you looked at</p> <p>23 Experian. You said, Refer to Experian search</p> <p>24 results. What was the purpose in looking at</p> <p>25 Experian?</p>

<p>Tietjen - Direct/Bonjean Page 49</p> <p>1 A. It would list if they had credit, the 2 social security numbers that were included in the 3 missing persons entry, or had like a credit 4 report. 5 Q. And why would that be important 6 information to develop? 7 A. That would be potentially indicative of 8 either somebody using their number or them using 9 the number, whether their true name or on another 10 name. 11 Q. And if they were using their number, 12 what would that tell you? 13 A. It would just list that they had credit to 14 a specific address. Potentially a spouse as well. 15 Q. Would it also give you some 16 indication as to whether they were alive? 17 A. That their number potentially is alive, 18 yes. 19 Q. That's the reason you were looking; 20 right? 21 A. Yes. 22 Q. Now, it says here that you, on the 23 second page, that you contacted Lieutenant Carrega, 24 and you agreed to meet on May 9th, 2008, at the 25 Essex County Prosecutor's Office.</p>	<p>Tietjen - Direct/Bonjean Page 51</p> <p>1 One more time. When you spoke to 2 Lieutenant Carrega on May 8th, 2008, he told you 3 some additional information. Can you tell me again 4 what that information was? 5 A. He advised that he was looking to interview 6 a Philander Hampton. 7 Q. He wanted to interview a Philander 8 Hampton. And what did he want you to do to 9 facilitate or assist him in interviewing a 10 Philander Hampton? 11 A. It was just if I had any additional 12 databases that I had access to, to see if he could 13 locate additional information on him. 14 Q. And did you do that? 15 A. Yes. 16 Q. Did Carrega explain to you why he 17 wanted to interview Philander Hampton? 18 A. No. Just that his name was part of the 19 investigation. 20 Q. So at this point, you didn't really 21 have any knowledge about the case in terms of the 22 investigative work that had been conducted; you 23 were just doing some tasks that you were asked to 24 by Lieutenant Carrega up until May 8, 2008; is that 25 right?</p>
<p>Tietjen - Direct/Bonjean Page 50</p> <p>1 It says, "Lieutenant Carrega advised 2 that the main suspect in this investigation is Lee 3 Evans," who you've identified here. 4 You did then have a meeting face to 5 face with Lieutenant Carrega on May 8th; is that 6 right? 7 A. No. 8 Q. May 9th? 9 A. May 9th. 10 Q. Okay. Am I correct that even before 11 that meeting on May 9th, you had another 12 conversation with Lieutenant Carrega on May 8th? 13 A. Yes. 14 Q. What was the nature of that 15 conversation? 16 A. He contacted me and he advised he was 17 looking for information on an individual that he 18 wanted to speak to. 19 Q. And who was that individual that 20 Lieutenant Carrega wanted to speak to when he spoke 21 to -- 22 A. Philander Hampton. 23 Q. Okay. I'm going to ask you to let me 24 finish my question just so the record is clear. 25 Don't worry. It happens all the time.</p>	<p>Tietjen - Direct/Bonjean Page 52</p> <p>1 A. Yes. 2 Q. On May 8, 2008, I'm going to direct 3 you to this last sentence here, where you wrote, "I 4 also compared the five boys' physical information 5 to that of unidentified human remains recovered in 6 New Jersey, since their disappearance, but was 7 unable to locate any viable matches." 8 How did you do that? 9 A. Repeat the end of that question? 10 Q. How did you do that? What was that 11 work that you did? 12 A. We maintain a database, both paper and 13 spreadsheets of all our unidentified remains in 14 New Jersey. And there's data that's collected on 15 the entry that is part of that spreadsheet, so 16 you're able to look through for remains that would 17 be of a potential match to height, weight, year, 18 dates found, date of death, et cetera, and 19 locations of the find as well. 20 Q. And when you were putting in the 21 information, were you using the boys' physical 22 appearances as of the date they went missing? 23 A. Yes. And I'm not putting it in. I'm 24 looking at that information with that reflective 25 information.</p>

<p>Tietjen - Direct/Bonjean Page 53</p> <p>1 Q. Okay. So when you were doing that 2 analysis or that investigative -- strike that 3 When you were looking at this data, 4 you were using the age and date, or the age and 5 physical appearances of the boys from the date that 6 they went missing; correct? 7 A. Yes. 8 Q. You were looking for like teenage 9 boys, you weren't looking for grown men; am I 10 right? 11 A. Yes. 12 Q. And, again, that would be working 13 under the assumption, of course, that they actually 14 died in and around the time that they went missing; 15 correct? 16 A. Yes. 17 Q. All right. Now, on May 9th, you did 18 have that meeting with Lieutenant Carrega of the 19 Essex County Prosecutor's Office; is that right? 20 A. Yes. 21 Q. And just to be clear, the narrative 22 that you have written about that meeting as 23 reflected in your report came from your notes, not 24 from your memory; is that right? 25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 55</p> <p>1 A. Yes. 2 Q. And I asked you was that information 3 that you had as of May of 2008, and you said no, 4 that would have been, you know, after all of the 5 investigative work you did, that's where you 6 included that; is that right? 7 A. Yes. 8 Q. So would that lead you to believe 9 that you did not start preparing this report until 10 close in time to June 25th of 2009? 11 A. Probable somewhere within months of that 12 date. 13 Q. Okay. Now, without looking at your 14 report first, let's just go based off memory, tell 15 me what you remember about your meeting on May 9th, 16 2008, with Lieutenant Carrega? 17 A. I met with Lieutenant Carrega. He 18 expressed his thoughts on the case, his concerns 19 about Lee Evans, and the early processes of the 20 investigation, that he still felt Lee Evans was a 21 suspect in the case. 22 Q. Who else was present for that 23 meeting? 24 A. I don't recall. 25 Q. Were there other people present?</p>
<p>Tietjen - Direct/Bonjean Page 54</p> <p>1 Q. And they came from your notes that 2 had been taken a year earlier; right? 3 A. Yes. 4 Q. Did you prepare any reports 5 contemporaneous with your investigative work? 6 A. I don't know when I started typing this 7 report. The date reflects the completion of the 8 report. 9 Q. Um-hum. 10 A. I don't know when I started typing. I 11 could have started typing it months before. 12 Q. But not years before, not a year 13 before? 14 A. I don't know. 15 Q. Well, I mean you testified earlier 16 that that the report, which starts off with this 17 "Additional Missing Juveniles" and "Suspects" was 18 information that you put in after June 25th, or 19 around June 25, 2009; right? 20 A. Well, the report was completed June 25th, 21 2009, yes. 22 Q. Right. And I asked you earlier about 23 the first part of the narrative where it says 24 "Suspects" and "Additional Missing Juveniles." 25 Right?</p>	<p>Tietjen - Direct/Bonjean Page 56</p> <p>1 A. I don't believe so. I'd have to look at 2 the notes -- I mean, I would have to look at my 3 report to see if there was, but I don't believe 4 there was. 5 Q. Okay. And did he express to you 6 during that meeting any other leads that he was 7 looking at other than Lee Evans? 8 A. Not that I recall. 9 Q. Okay. How long did the meeting last? 10 A. I don't know. 11 Q. Well, was it like a five-minute 12 meeting, or was it a protracted meeting where he 13 explained to you, you know, a little bit about the 14 prior investigation and what they were doing up 15 until that point in May of 2008? 16 A. It probably would have been about an hour. 17 Q. All right. Did you leave the meeting 18 with an understanding of what the case was about? 19 A. To the best of my ability, yes. 20 Q. All right. And, again, what you have 21 contained in your written report, you pulled off 22 your notes that you took during the meeting? 23 A. Yes. 24 Q. What did Lieutenant Carrega say to 25 you about why he still believed that Lee Evans was</p>

<p>Tietjen - Direct/Bonjean Page 57</p> <p>1 the prime suspect in the case?</p> <p>2 A. The case had identified him early on from</p> <p>3 the date of who the boys were last with and that</p> <p>4 he still believed that information to be true.</p> <p>5 Q. Apart from the fact that Lee Evans</p> <p>6 was with the boys shortly before they disappeared,</p> <p>7 was there any other factual information that he</p> <p>8 provided to support his view that Lee Evans was the</p> <p>9 main suspect in the case?</p> <p>10 A. I mean we discussed other steps throughout</p> <p>11 the investigation that still pointed to Lee Evans.</p> <p>12 Q. Like what?</p> <p>13 A. Additional interviews, reviewing of</p> <p>14 interviews. He discussed the polygraph that Lee</p> <p>15 Evans had taken.</p> <p>16 Q. Well, what interviews did he identify</p> <p>17 led him to believe that Lee Evans was responsible</p> <p>18 for the boys' disappearance and presumed death?</p> <p>19 A. I don't recall. It was a generalization of</p> <p>20 the case stuff that he had.</p> <p>21 Q. Did you take any notes about those</p> <p>22 specifics?</p> <p>23 A. No, not more specific than that.</p> <p>24 Q. So as you sit here today, you can't</p> <p>25 identify for me any specific interview that he</p>	<p>Tietjen - Direct/Bonjean Page 59</p> <p>1 Q. All right. Okay. Did you see any</p> <p>2 reports from any experts that gave this new view</p> <p>3 that he had failed the test?</p> <p>4 A. No.</p> <p>5 Q. Did Lieutenant Carrega explain to you</p> <p>6 how he came to have new experts look at the</p> <p>7 polygraph results?</p> <p>8 A. No. I believe it was prior to his even</p> <p>9 involvement in the case that this review was done.</p> <p>10 Q. Do you know who conducted the review?</p> <p>11 A. I believe it's in one of the reports, but I</p> <p>12 don't recall.</p> <p>13 Q. And do you have an understanding of</p> <p>14 how polygraph tests work?</p> <p>15 A. Yes.</p> <p>16 Q. Do you find them to be a useful law</p> <p>17 enforcement tool?</p> <p>18 A. Yes.</p> <p>19 Q. You know, of course, that the results</p> <p>20 are inadmissible; right?</p> <p>21 A. Yes.</p> <p>22 Q. They were used pretty readily in this</p> <p>23 investigation; would you agree with that?</p> <p>24 A. Yes.</p> <p>25 Q. And would you agree that polygraphs,</p>
<p>Tietjen - Direct/Bonjean Page 58</p> <p>1 referenced that provided a factual basis to believe</p> <p>2 that Lee Evans was the main suspect, at least as of</p> <p>3 May 9, 2008?</p> <p>4 A. No.</p> <p>5 Q. Anything else that sticks out in</p> <p>6 terms of why Carrega believed that Lee Evans was</p> <p>7 the prime suspect, again, other than the fact that</p> <p>8 he was one of the last people to have been seen</p> <p>9 with the boys allegedly?</p> <p>10 A. No.</p> <p>11 Q. And you mentioned the polygraph.</p> <p>12 It's true that Mr. Evans had submitted to a</p> <p>13 polygraph examination back in 1978; right?</p> <p>14 A. I had not seen the report, but that's what</p> <p>15 I was told, yes.</p> <p>16 Q. And, allegedly, he passed that</p> <p>17 polygraph; correct?</p> <p>18 A. Yes.</p> <p>19 Q. Now, it says in your report that</p> <p>20 during your meeting with Carrega on May 9th, 2008,</p> <p>21 that there was a later examination of this 1978</p> <p>22 polygraph chart by outside experts and that there</p> <p>23 was a new view that he actually failed the test; is</p> <p>24 that right?</p> <p>25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 60</p> <p>1 to the extent that they are useful, are only as</p> <p>2 useful as the competence of the person</p> <p>3 administering them?</p> <p>4 A. Yes.</p> <p>5 Q. And how is it that -- or explain to</p> <p>6 me how is it that a second person could look at a</p> <p>7 polygraph examination and reach a different result?</p> <p>8 Is that plausible?</p> <p>9 A. I don't know enough about what the results</p> <p>10 they would look at to say.</p> <p>11 Q. But isn't part of reading a polygraph</p> <p>12 result connected to actually administering the</p> <p>13 polygraph test?</p> <p>14 A. They have some data that's set up from the</p> <p>15 test, I would imagine. I've seen now recent</p> <p>16 polygraphs, and you look at charts of the</p> <p>17 interview with reference to the questions they</p> <p>18 asked and by your responses, but I don't know what</p> <p>19 was done in 1978.</p> <p>20 Q. Have you ever heard of a situation</p> <p>21 where a polygraph examination is conducted and the</p> <p>22 results are interpreted by the person who</p> <p>23 administered the test, but then later a different</p> <p>24 expert reaches a different conclusion about those</p> <p>25 polygraph results? Aside from this case, have you</p>

<p>Tietjen - Direct/Bonjean Page 61</p> <p>1 ever heard of that?</p> <p>2 A. I don't recall.</p> <p>3 Q. And, again, in your work as 25 years</p> <p>4 as a law enforcement officer, have you ever heard</p> <p>5 of a single other circumstance where a polygraph</p> <p>6 expert who did not administer a test later came and</p> <p>7 reviewed the reports of a previously-given</p> <p>8 polygraph and reached a different result?</p> <p>9 A. I can't recall a case, no.</p> <p>10 Q. Do you know if that's in keeping with</p> <p>11 law enforcement standards? National standards,</p> <p>12 we'll say?</p> <p>13 A. I don't know what any of the Polygraph Unit</p> <p>14 in our agency, and I don't know much about what</p> <p>15 was done back then.</p> <p>16 Q. I'm talking about now. Is that</p> <p>17 something that you have seen done in say the last</p> <p>18 five years?</p> <p>19 A. Like I stated, I'm not in our Polygraph</p> <p>20 Unit, so if the supervisors review their charts to</p> <p>21 concur or differ -- I've used polygraphs in the</p> <p>22 past, but I have not administered them, and</p> <p>23 certainly not every one of the, you know,</p> <p>24 responses from being truthful and honest or</p> <p>25 accepted, so that's... I mean, people are trying</p>	<p>Tietjen - Direct/Bonjean Page 63</p> <p>1 interviews?</p> <p>2 A. I offered my assistance, and he accepted.</p> <p>3 Q. Okay. And did he explain to you who</p> <p>4 else was on this team for re-investigating the</p> <p>5 missing boys?</p> <p>6 A. At some point, Detective Joe Hadley and</p> <p>7 Agent Eutsey were introduced to me, but I don't</p> <p>8 know what date.</p> <p>9 Q. What was your understanding of who</p> <p>10 had handled the investigation prior to Lou Carrega</p> <p>11 taking it up?</p> <p>12 MR. LIPSHUTZ: Objection to the form</p> <p>13 of the question. You can answer it, sir.</p> <p>14 A. Repeat the question, please.</p> <p>15 Q. Yes. What was your understanding of</p> <p>16 who had handled the investigation of the missing</p> <p>17 boys prior to 2007/2008 when Lieutenant Carrega</p> <p>18 undertook that investigation?</p> <p>19 A. The Newark Police Department.</p> <p>20 Q. One of your responsibilities, it</p> <p>21 looks like, was to obtain DNA samples from</p> <p>22 surviving family members; is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. What was the purpose in doing that?</p> <p>25 A. It's to identify remains of missing people</p>
<p>Tietjen - Direct/Bonjean Page 62</p> <p>1 to do tricks to try to alter the test as well.</p> <p>2 But beyond that, I don't know who reviews or what</p> <p>3 type of policy there is in place to verify that</p> <p>4 that polygraphist got a accurate response or came</p> <p>5 up with an accurate solution to that.</p> <p>6 Q. Have you administered a polygraph</p> <p>7 test yourself?</p> <p>8 A. No.</p> <p>9 Q. So it sounds like you've used them,</p> <p>10 you've worked with them, but you wouldn't consider</p> <p>11 yourself an expert; is that fair?</p> <p>12 A. My use has --</p> <p>13 (Reporter requested clarification.)</p> <p>14 A. Just calling one of the polygraphist in our</p> <p>15 unit to perform the test. That would be as far as</p> <p>16 my involvement.</p> <p>17 Q. Okay. You indicate in your police</p> <p>18 report marked as Tietjen-2 that during this</p> <p>19 meeting, Lieutenant Carrega indicated that he</p> <p>20 wanted to re-interview Lee Evans and also</p> <p>21 re-interview all persons who were involved in the</p> <p>22 case since 1978; is that accurate?</p> <p>23 A. Yes.</p> <p>24 Q. And did he indicate during the</p> <p>25 meeting that he wanted you to participate in those</p>	<p>Tietjen - Direct/Bonjean Page 64</p> <p>1 that were already recovered that we have DNA</p> <p>2 samples from.</p> <p>3 Q. Would you agree that --</p> <p>4 A. Patricia's Law --</p> <p>5 (Reporter requested clarification.)</p> <p>6 MS. BONJEAN: I think he said it was</p> <p>7 Patricia's Law.</p> <p>8 Q. Is that right?</p> <p>9 A. Patricia's Law was signed in March of that</p> <p>10 year 2008, which required us to assist or to get</p> <p>11 DNA for long-term missing persons cases. And at</p> <p>12 the time of the signing, it was 30 days is what</p> <p>13 they termed a long-term case.</p> <p>14 Q. Okay. Would you agree that one of</p> <p>15 your primary goals, or the team's primary goal, at</p> <p>16 least as communicated to you by Lieutenant Carrega,</p> <p>17 was to try to actually find the human remains of</p> <p>18 these boys, if you could; right?</p> <p>19 A. That would be a goal, yes.</p> <p>20 Q. Now, after -- strike that.</p> <p>21 What else, if anything, do you recall</p> <p>22 about the meeting with Lieutenant Carrega on</p> <p>23 May 9th, 2008?</p> <p>24 A. Not much more than that.</p> <p>25 Q. Did he provide you with any materials</p>

<p>Tietjen - Direct/Bonjean Page 65</p> <p>1 to look at?</p> <p>2 A. Not on that date, I don't believe.</p> <p>3 Q. At some point did he provide you with</p> <p>4 some?</p> <p>5 A. Yes.</p> <p>6 Q. Now, I notice your next entry on your</p> <p>7 report says on May 16, 2008, you conducted an</p> <p>8 in-depth review of a copy of a case file that was</p> <p>9 provided to you by Lieutenant Carrega; right? Is</p> <p>10 that a yes?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So does that lead you to</p> <p>13 believe that Lieutenant Carrega provided you with a</p> <p>14 copy of the case file prior to May 16, 2008?</p> <p>15 A. Yes.</p> <p>16 Q. And do you remember how he provided</p> <p>17 that to you? Was it in paper form, electronic</p> <p>18 form?</p> <p>19 A. I believe it was paper form.</p> <p>20 Q. And how large was the case file to</p> <p>21 best of your recollection?</p> <p>22 A. It was whatever, a brown large, like, legal</p> <p>23 envelope. You know, like, a file envelope. It</p> <p>24 was probably six inches in depth and height.</p> <p>25 Q. And what generally was contained</p>	<p>Tietjen - Direct/Bonjean Page 67</p> <p>1 Q. Did you want to see what evidence had</p> <p>2 been developed prior to May of 2008?</p> <p>3 A. Yes.</p> <p>4 Q. Were you interested in seeing what</p> <p>5 evidence specifically had been developed against or</p> <p>6 related to Lee Evans?</p> <p>7 A. Yes.</p> <p>8 Q. All right. Did Lieutenant Carrega</p> <p>9 tell you during your meeting either on May 9th, or</p> <p>10 any time prior to your review of the case, any of</p> <p>11 the other witnesses that he was interested in</p> <p>12 interviewing or re-interviewing?</p> <p>13 MS. ROSEN: Objection to form.</p> <p>14 MS. BONJEAN: I'm sorry. What did</p> <p>15 you say?</p> <p>16 MS. ROSEN: Objection to form. You</p> <p>17 can answer it.</p> <p>18 A. He advised that he wanted to re-interview</p> <p>19 all those that were available to re-interview.</p> <p>20 Q. Okay. Did you get the sense in May</p> <p>21 of 2008 that this was the beginning of his</p> <p>22 investigation, that he had not done too much work</p> <p>23 prior to this date?</p> <p>24 A. No. No, he indicated that he had worked on</p> <p>25 this.</p>
<p>Tietjen - Direct/Bonjean Page 66</p> <p>1 within the case file?</p> <p>2 A. Case notes on each of the people</p> <p>3 identified, any available Newark Police Department</p> <p>4 reports that were generated from back in 1978 and</p> <p>5 throughout, some newspaper articles, different</p> <p>6 statements of individuals as well.</p> <p>7 Q. Interviews?</p> <p>8 A. Yeah, interviews in written form.</p> <p>9 Q. Got it. And you said you conducted</p> <p>10 an in-depth review of the case file. What do you</p> <p>11 mean by that? What did you do?</p> <p>12 A. I went through it, what was provided to me,</p> <p>13 to get an understanding of what was done from day</p> <p>14 one through.</p> <p>15 Q. Does that mean you read the reports?</p> <p>16 A. Yes.</p> <p>17 Q. Looked at the interviews?</p> <p>18 A. Yes.</p> <p>19 Q. And why did you believe it was</p> <p>20 important to look at the prior case file in</p> <p>21 connection with your involvement?</p> <p>22 A. Well, my own understanding of the case.</p> <p>23 Q. Did you want to know what had been</p> <p>24 done prior to your involvement in the case?</p> <p>25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 68</p> <p>1 Q. How long did he independent -- for</p> <p>2 how long had he worked on it, to the best of your</p> <p>3 recollection?</p> <p>4 A. I do not recall.</p> <p>5 Q. But it was your belief that he had</p> <p>6 been working on it before he spoke with you; is</p> <p>7 that right?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know who he was working on the</p> <p>10 case, investigating the case with?</p> <p>11 A. I believe Agent Eutsey, but that's a</p> <p>12 recollection issue if he was or not.</p> <p>13 Q. And that's Detective Jack Eutsey, a</p> <p>14 Newark police officer; is that correct?</p> <p>15 MR. LIPSHUTZ: Objection to form.</p> <p>16 Sorry. You can answer it, sir.</p> <p>17 A. He was an agent of the Essex County</p> <p>18 Prosecutor's Office at the time.</p> <p>19 Q. Right. So -- and let me clarify.</p> <p>20 Was it your understanding that Detective Eutsey had</p> <p>21 retired from the Newark Police Department but had</p> <p>22 joined the Essex County Prosecutor's Office as an</p> <p>23 investigator?</p> <p>24 A. Yes.</p> <p>25 Q. All right. And so Detective Eutsey</p>

<p>Tietjen - Direct/Bonjean Page 69</p> <p>1 at the time that this investigation had, we'll say, 2 recommenced was already working for the 3 prosecutor's office; correct? 4 A. Yes. 5 Q. Did Lieutenant Carrega explain to you 6 what role, if any, Newark Police Department would 7 have in this reinvestigation of the missing boys 8 that started sometime before May of 2008? 9 MR. LIPSHUTZ: I'm going to object to 10 the form of the question. You can answer it, sir. 11 MR. VOMACKA: I'll join the objection 12 as to form. You can answer. 13 A. The role of Newark was -- 14 (Reporter requested clarification.) 15 A. The role of Newark Police Department was 16 explained to me -- I don't know if exactly that 17 date -- that they had a detective from Newark who 18 was going to assist as well, and that was later 19 identified as Joe Hadley. 20 Q. What about Detective Henry, or 21 Sergeant Henry, I believe, maybe at the time, what 22 was your understanding of what his role would be, 23 if any? 24 A. Early on, I believe he was Detective 25 Hadley's supervisor, and then he became involved</p>	<p>Tietjen - Direct/Bonjean Page 71</p> <p>1 Q. There is a "Hairston to from" and a 2 "Hairston reports." 3 Yeah, you were looking at the 4 Hairston. You can keep that handy. We're going to 5 look at that shortly but... 6 A. I have ECPO 003548. 7 Q. Yes. And that's been marked as 8 Tietjen-3. 9 Sir, do you recognize this collection 10 of materials? 11 A. Yes. 12 Q. And what do you recognize this to be? 13 A. Just materials of the reports dating back 14 to 1978. 15 Q. Does this appear to you to be a 16 collection of police reports that were prepared 17 from the date on which it was at least reported 18 that the boys had gone missing? 19 A. Yes. 20 Q. And can you tell from looking at this 21 report who the lead detective -- or who the 22 detective was that was responsible for preparing 23 these reports? 24 A. Detective Edward Hairston. 25 Q. Did you know Detective Edward</p>
<p>Tietjen - Direct/Bonjean Page 70</p> <p>1 as 2008 progressed. 2 Q. Okay. Did you have an understanding 3 of whether or not there had been prior efforts to 4 reinvestigate this case after the initial 5 investigation went cold? 6 A. There was many entries in the notes, and I 7 knew we didn't have all the reports. I was 8 advised there were other attempts to investigate, 9 but the reports were not provided. 10 MS. BONJEAN: Okay. I am going to 11 mark as an exhibit, and if anyone needs a break, 12 let me know. We can definitely break at any 13 point. I am going to mark as Tietjen-3 what I 14 believe is listed as the "Hairston reports," and 15 if you could pull that out. 16 (Tietjen-3, Hairston reports, Bates 17 ECPO 003548 through 003586, was received and 18 marked for identification.) 19 Q. It should have a Bates stamp at the 20 bottom right-hand corner that reflects ECPO 003548. 21 Do you see that collection of materials? 22 A. No. 23 Q. Okay. 24 A. I have a Newark 60 the bottom of the form I 25 have for Hairston.</p>	<p>Tietjen - Direct/Bonjean Page 72</p> <p>1 Hairston? 2 A. No. 3 Q. Have you ever met him? 4 A. No. 5 Q. I believe he's deceased. I could be 6 wrong. Do you know if he's deceased? 7 A. No. 8 Q. Now, would these reports be documents 9 that you reviewed in connection with your in-depth 10 review of the case file on May 16, 2008? 11 A. If they were all complete, the copy in 12 front of me, yes. 13 Q. And, again, I know you can't say 14 whether or not what you've been provided right this 15 second is exactly what you had in your case file, 16 but do you have a recollection of reviewing reports 17 that were prepared back in 1978 in connection with 18 the missing boys? 19 A. Yes. 20 Q. And do you have a recollection of 21 reviewing reports that had been prepared by 22 Detective Hairston? 23 A. Yes. 24 Q. Okay. Now, I'll have you look at the 25 other document you pulled out, which is a Hairston,</p>

<p>Tietjen - Direct/Bonjean Page 73</p> <p>1 I'm going to call it a -- I call it a "to from"</p> <p>2 report. Do you have that handy?</p> <p>3 (Tietjen-4, Bates Newark 60 through</p> <p>4 62, was received and marked for identification.)</p> <p>5 Q. I'm going to have you look at</p> <p>6 Tietjen-4. Tell me if you recognize this document?</p> <p>7 And by the way, the Bates stamp on this is Newark</p> <p>8 60 through 62.</p> <p>9 A. I don't recall reviewing this document.</p> <p>10 Q. I'm sorry?</p> <p>11 A. I don't recall reviewing this document.</p> <p>12 Q. You don't recall ever reviewing this</p> <p>13 document?</p> <p>14 A. No. I recall hearing about it. I don't</p> <p>15 recall reviewing it.</p> <p>16 Q. Well, I'm just going to, for the</p> <p>17 record, indicate that it appears to be, correct me</p> <p>18 if I'm wrong, a report from Detective Hairston to</p> <p>19 Lieutenant John Murphy, and it's dated March 15th,</p> <p>20 1979; right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. I'm going to give you a</p> <p>23 chance, if you could, if you could just take a look</p> <p>24 at it and let me know, take as much time as you</p> <p>25 want --</p>	<p>Tietjen - Direct/Bonjean Page 75</p> <p>1 A. He was probably the one who told me about</p> <p>2 it, but I don't recall the conversation.</p> <p>3 Q. And do you recall, whenever that</p> <p>4 conversation took place, that a psychic had been</p> <p>5 used and had referenced that the boys may have</p> <p>6 perished in a fire?</p> <p>7 A. I don't recall when that conversation would</p> <p>8 have taken place.</p> <p>9 Q. But do you remember at some point</p> <p>10 hearing that substantive conversation?</p> <p>11 A. I don't believe I remember anything about a</p> <p>12 fire. Just that a psychic -- I mean, psychics</p> <p>13 call at the time of missing persons cases, and I</p> <p>14 don't put much value in what they say. It's noted</p> <p>15 typically, but it's so vague and generic.</p> <p>16 Typically, they cover so many different</p> <p>17 possibilities that the scenario sometimes can have</p> <p>18 different links throughout. You know, they give</p> <p>19 you so much vague detail. My thought has always</p> <p>20 been just in this unit, If you know where they</p> <p>21 are, why aren't you out to that location pointing</p> <p>22 that out to us?</p> <p>23 I mean, pretty much any of our major</p> <p>24 cases, we have plenty of psychics calling up with</p> <p>25 all different dreams and stuff, so I don't put too</p>
<p>Tietjen - Direct/Bonjean Page 74</p> <p>1 A. I read through it last night.</p> <p>2 Q. Okay. Great. You're saving yourself</p> <p>3 and all of us time. And so, again, I'll ask you,</p> <p>4 having read it last night, you don't remember ever</p> <p>5 seeing this report; is that right?</p> <p>6 A. Not the -- well, I remember a psychic was</p> <p>7 involved at some point.</p> <p>8 (Reporter requested clarification.)</p> <p>9 A. I remember at some point in the</p> <p>10 investigation a psychic had been involved in the</p> <p>11 case, and it mentioned things, but I don't</p> <p>12 remember seeing this actual document.</p> <p>13 Q. And what do you remember about the</p> <p>14 psychic being involved in the case?</p> <p>15 A. I mean, I read through this last night. I</p> <p>16 was intrigued on this. She mentioned about a fire</p> <p>17 in here, but I don't recall specifics of what was</p> <p>18 stated to me early on the case.</p> <p>19 Q. When do you first recall hearing</p> <p>20 about a psychic being used in the case, if you --</p> <p>21 A. I don't, I don't know. No, I can't even</p> <p>22 recall.</p> <p>23 Q. Do you recall having any</p> <p>24 conversations with Lieutenant Carrega about the</p> <p>25 psychic being used in the case?</p>	<p>Tietjen - Direct/Bonjean Page 76</p> <p>1 much value on what's provided by them.</p> <p>2 Q. Okay. So your personal view is that</p> <p>3 psychics don't bring a lot of value to an</p> <p>4 investigation; is that fair?</p> <p>5 A. Yes.</p> <p>6 MS. BONJEAN: Okay. Give me one</p> <p>7 second, if you could. Actually, can we take a</p> <p>8 two-minute break? I think I want to pull a</p> <p>9 document out that I may or may not have already</p> <p>10 provided, but if we could -- let's take a</p> <p>11 two-minute break and reconvene, if that's okay.</p> <p>12 THE VIDEOGRAPHER: The time is 11:39</p> <p>13 a.m. Off the record.</p> <p>14 (Break taken.)</p> <p>15 THE VIDEOGRAPHER: The time is 11:45</p> <p>16 a.m. This begins DVD number two. Back on the</p> <p>17 record.</p> <p>18 Q. Thank you, Sergeant. I'm going to</p> <p>19 have you actually look at that larger collection of</p> <p>20 Hairston reports, which I believe is marked as</p> <p>21 Tietjen-3. Let me know when you're there.</p> <p>22 A. Sure.</p> <p>23 Q. Again, these are the reports that,</p> <p>24 again, if you had been provided with them, with the</p> <p>25 case file, this is what you would have looked at;</p>

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<p>Tietjen - Direct/Bonjean Page 77</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. And would you characterize this as a</p> <p>4 continuation report?</p> <p>5 A. It states that on the top.</p> <p>6 Q. What is a continuation report to the</p> <p>7 best of your understanding?</p> <p>8 A. It would be similar to my supplementary</p> <p>9 investigation report indicating that there was a</p> <p>10 prior report previous to that.</p> <p>11 Q. Do you happen to know whether or not</p> <p>12 the narrative that is contained in these reports,</p> <p>13 and I know that you did not prepare them, but do</p> <p>14 you happen to know whether they were prepared</p> <p>15 contemporaneous with the investigative conduct that</p> <p>16 was being taken at the time?</p> <p>17 A. No.</p> <p>18 Q. You don't know?</p> <p>19 A. No.</p> <p>20 Q. Okay. You will see, though, at the</p> <p>21 bottom of the report is, at least on the first</p> <p>22 page, is a date of September 15th, '78; right?</p> <p>23 A. Yes.</p> <p>24 Q. And that's at least three, it's at</p> <p>25 least three, close -- three weeks after the boys</p>	<p>Tietjen - Direct/Bonjean Page 79</p> <p>1 you were conducting a criminal investigation?</p> <p>2 A. No.</p> <p>3 Q. No?</p> <p>4 A. No.</p> <p>5 Q. Okay. How would that differ?</p> <p>6 A. Many of our reports in the state police go</p> <p>7 on months before you would type a report. We</p> <p>8 don't have an end-of-shift requirement. Different</p> <p>9 city departments will have at the end of your</p> <p>10 shift, you complete all your reports, and they are</p> <p>11 checked. We don't have that. We never have. I</p> <p>12 can type reports several months later and a set of</p> <p>13 my notes and type them. That's just the normal.</p> <p>14 Q. So it's your practice that you most</p> <p>15 likely do not prepare a report until the case is</p> <p>16 cleared?</p> <p>17 A. You got to repeat that again.</p> <p>18 Q. Is it your practice that you wouldn't</p> <p>19 prepare a formal report until the case is cleared?</p> <p>20 A. No, I wouldn't say that's correct.</p> <p>21 Q. Okay. Then what prompts you to file</p> <p>22 a formal report in an investigation?</p> <p>23 A. It depends at what point you are in it when</p> <p>24 you want to document it, what value points you</p> <p>25 have that you need to note. You know, if you're</p>
<p>Tietjen - Direct/Bonjean Page 78</p> <p>1 first are reported missing? Can we agree on that?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So, and it looks as if the</p> <p>4 report -- that the reports that are dated 9/15 goes</p> <p>5 up to page -- the first seven pages of this</p> <p>6 document. Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. And I'm just going to ask, you see at</p> <p>9 the very top of first page, it says page 1, and</p> <p>10 then if you count seven pages in, at the very top,</p> <p>11 it says page 7?</p> <p>12 A. Yes.</p> <p>13 Q. And they are all, at least they're</p> <p>14 approved as of September 15th, 1978; right?</p> <p>15 A. Yes.</p> <p>16 Q. So would it be fair to say based on</p> <p>17 your experience that at least the first seven pages</p> <p>18 were submitted initially at some point prior to</p> <p>19 September 15th, '78, and reflected investigative</p> <p>20 work that had been done prior to September 15th,</p> <p>21 1978?</p> <p>22 MR. LIPSHUTZ: Objection.</p> <p>23 A. Yes.</p> <p>24 Q. And is that sort of consistent with</p> <p>25 how you would prepare your own reports as well, if</p>	<p>Tietjen - Direct/Bonjean Page 80</p> <p>1 working with other agencies, do they then want</p> <p>2 that report, and what are you going to cover in</p> <p>3 your report, and that's decided as well.</p> <p>4 Q. Well, I thought you just said --</p> <p>5 maybe I misunderstood, though -- that an</p> <p>6 investigation could go on months and months before</p> <p>7 you prepared a report in a case; is that right?</p> <p>8 A. Yes.</p> <p>9 (Ashley Cohen joined proceedings.)</p> <p>10 Q. And would you agree that sometimes</p> <p>11 information you develop early in an investigation,</p> <p>12 you may not realize the significance of that</p> <p>13 information until later in the investigation?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And how do you ensure that you</p> <p>16 are memorializing all pertinent facts, or facts</p> <p>17 that may become pertinent, during the course of</p> <p>18 your investigation? Is that through your notes?</p> <p>19 A. Yes.</p> <p>20 Q. And then when you sit down to do your</p> <p>21 formal report, do you decide what information</p> <p>22 should go into the formal report?</p> <p>23 A. You go through your notes, and you write</p> <p>24 from your notes as to what you did.</p> <p>25 Q. I guess my question is do you put</p>

<p>Tietjen - Direct/Bonjean Page 81</p> <p>1 everything that is in your handwritten notes into 2 the formal report, or do you decide what you 3 believe to be the relevant factual points that you 4 want to include in the formal report? 5 A. If I am the only investigator, all of my 6 notes would go in my report. If I'm working in a 7 group, the reports that I would cover would be the 8 ones that were assigned to me to cover, and some 9 other things -- 10 Q. And when you say assigned? 11 A. Well, you'll see some other things in here 12 that I was involved with, and I say "refer to a 13 report," where I don't express all the notes that 14 I may have had of that day that someone else is 15 memorializing that day. 16 Q. But how do you know that if you're 17 not preparing the report until months later? 18 A. Do I know what? That they're going to 19 prepare a report? 20 Q. So what I'm asking is during the 21 course of a multi-month investigation, you are 22 preparing contemporaneous handwritten notes that 23 reflect what you're learning and what you're doing 24 through the investigation; is that right? 25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 83</p> <p>1 ensure that they prepared a thorough and accurate 2 report based on whatever investigative work had 3 been done? 4 MR. VOMACKA: Objection to form, but 5 you can answer. 6 A. My report would refer to their report for 7 covering that section. 8 Q. And do you actually go look at that 9 report that you're referring to in order to make 10 sure that it actually is covering the section that 11 you're -- 12 A. No. 13 Q. What's that? 14 A. No. 15 Q. Why not? 16 A. I believe it's going to be done, you know. 17 Q. So you're relying on the fact that 18 your colleagues are going to do their job? Is that 19 what you're telling me? 20 A. Yes. 21 Q. I would like to draw -- I'm going to 22 have you look at that document. If you could look 23 at -- it's gonna be Bates stamped ECPO 3581, but it 24 also has a little number 34 in the right-hand 25 corner, if that's easier to track. Actually, 3580.</p>
<p>Tietjen - Direct/Bonjean Page 82</p> <p>1 Q. And then at some point, you sit down 2 to formalize your notes in a formalized report; 3 right? 4 A. Yes. 5 Q. And is that typically based on 6 somebody saying, We need you to prepare a report? 7 Maybe a supervisor or something like that. 8 A. Yes. And they'll be certain occurrences 9 during the inves that I don't have notes on as 10 well that someone else was taking, or taking that 11 responsibility for. 12 Q. And would you include in your formal 13 report information that comes from someone else's 14 notes, or just your notes? 15 A. Just my notes. 16 Q. And correct me if I'm wrong, I think 17 you said, though, that there might be aspects of an 18 investigation that you do have notes on, but 19 because someone else is covering that piece of the 20 investigation, you would not necessarily include 21 those part of your notes into the formal report; is 22 that right? 23 A. Yes. 24 Q. Would you refer to the person who was 25 assigned to that part of the investigation to</p>	<p>Tietjen - Direct/Bonjean Page 84</p> <p>1 Let's start there. My apologies. So page 33. 2 A. Okay. 3 Q. I want to draw your attention to the 4 bottom part of the report narrative where it has a 5 date of April 3rd, 1979. Do you see that? 6 A. Yes. 7 Q. And if you just could read that to 8 yourself real quick, and then I'll have some 9 questions for you. 10 Okay. You see reference to this 11 information from the psychic again, this 12 Mrs. Dorothy Allison? 13 A. Yes. 14 Q. And it would appear that back in '79, 15 Detective Hairston was at least talking to her, or 16 they were trying to see what they could develop 17 through her, if anything; right? 18 A. Yes. 19 Q. And based on that, they actually, it 20 looks -- according to this report, you would agree 21 that they checked the Newark Fire Department for 22 fires occurring in 1978; right? 23 A. That line is somewhat distorted. It looks 24 like they checked one engine possibly. I can't 25 read the number.</p>

<p>Tietjen - Direct/Bonjean Page 85</p> <p>1 Q. I think it says --</p> <p>2 A. Engine 117 maybe, for fires.</p> <p>3 Q. It says, "Checked with Newark Fire</p> <p>4 Department Engine" -- whatever number that is --</p> <p>5 "for all fires" -- I think it says, either,</p> <p>6 "especially fatalities occurring in August of</p> <p>7 1978."</p> <p>8 I don't know if that's accurate, but</p> <p>9 that's my best guess. But do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And you can turn the page. And it</p> <p>12 says, "Checked sites of two multiple-alarm fires.</p> <p>13 15th Avenue and Bergen Street and 16th Avenue and</p> <p>14 Littleton Avenue. No reported fatalities."</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And, again, these are reports that,</p> <p>18 if you had in your possession, you would have</p> <p>19 reviewed during your in-depth review of the case;</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. Now, after your in-depth review of</p> <p>23 the case in May of 2008, at least according to your</p> <p>24 report, you started participating in interviews</p> <p>25 with witnesses; right?</p>	<p>Tietjen - Direct/Bonjean Page 87</p> <p>1 during this period of time?</p> <p>2 A. Yes.</p> <p>3 MR. LIPSHUTZ: Objection to the form</p> <p>4 of that question.</p> <p>5 MR. VOMACKA: Objection to form. You</p> <p>6 can answer.</p> <p>7 A. I spoke with them regularly.</p> <p>8 Q. And what's regular to you? Daily,</p> <p>9 weekly?</p> <p>10 A. I'm trying to recall if we were -- at</p> <p>11 certain points, we might have been working on this</p> <p>12 a couple times a week. Sometimes it was sporadic.</p> <p>13 I still had other unit responsibilities as well.</p> <p>14 I would characterize it as routine, but I don't</p> <p>15 know how I can break that down into a daily or a</p> <p>16 weekly type of occurrence.</p> <p>17 Q. Fair enough. Was this case a big</p> <p>18 part of your responsibilities during this period of</p> <p>19 time?</p> <p>20 A. It was one of my larger ones. It took up a</p> <p>21 majority of my involvement, yes.</p> <p>22 Q. And I guess this would be a good time</p> <p>23 to ask, what was your understanding of how the</p> <p>24 group operated in terms of -- I know you said</p> <p>25 Carrega was in charge of the investigation, but who</p>
<p>Tietjen - Direct/Bonjean Page 86</p> <p>1 A. Yes.</p> <p>2 Q. And by the way, you can put that</p> <p>3 aside for now, we may reference it again.</p> <p>4 A. If you look at the date on that report,</p> <p>5 it's a year after last included in that report as</p> <p>6 well.</p> <p>7 Q. You're talking about the Hairston</p> <p>8 report?</p> <p>9 A. Yes.</p> <p>10 Q. Uh-huh.</p> <p>11 A. So similar, that's in similar fashion as</p> <p>12 well.</p> <p>13 Q. Yeah. No, no, you're right. That</p> <p>14 seems to be the practice.</p> <p>15 Okay. Now, after looking at the</p> <p>16 complete case file, did you have further</p> <p>17 discussions with Lieutenant Carrega about your</p> <p>18 impressions about the case?</p> <p>19 A. I believe we certainly did.</p> <p>20 Q. I'm not suggesting that you would</p> <p>21 have necessarily notated every time you had a</p> <p>22 conversation with Lieutenant Carrega about the</p> <p>23 case, or that you should have done that, but would</p> <p>24 it be fair to say that you spoke with him and other</p> <p>25 members of this team on a fairly regular basis</p>	<p>Tietjen - Direct/Bonjean Page 88</p> <p>1 did you report to in connection with this</p> <p>2 investigation?</p> <p>3 MR. LIPSHUTZ: I'm sorry, Jen, your</p> <p>4 first part of your question broke up, so if you're</p> <p>5 just asking him who he reported to, that's fine.</p> <p>6 I heard that. But I wasn't sure what the rest of</p> <p>7 it was.</p> <p>8 MS. BONJEAN: It was a bad question.</p> <p>9 I'll start over.</p> <p>10 Q. Did you have to get assigned to this</p> <p>11 investigation by someone from the state police</p> <p>12 also?</p> <p>13 A. Dave Jones is the one who asked me to</p> <p>14 contact Lieutenant Carrega.</p> <p>15 Q. And you don't have the authority as a</p> <p>16 state police officer to go work on anyone else's</p> <p>17 cold cases just because you want to, I assume;</p> <p>18 correct?</p> <p>19 MR. LIPSHUTZ: Objection to the form.</p> <p>20 A. We are able to contact them, and I can work</p> <p>21 on any missing persons case right now in the state</p> <p>22 that I choose to, or any member of my unit does,</p> <p>23 typically to reach out to the agency by myself.</p> <p>24 Q. I mean, if you are working for the</p> <p>25 state police, you're getting a salary from the</p>

<p>Tietjen - Direct/Bonjean Page 89</p> <p>1 state police, you don't get to decide which</p> <p>2 investigations you want to work on without at least</p> <p>3 getting approval from someone up your chain of</p> <p>4 command, I assume; right?</p> <p>5 A. I don't know if that's necessarily so.</p> <p>6 You're assigned cases, and then you also look for</p> <p>7 cases. Like our work in this unit is a lot of</p> <p>8 what you become aware of in jobs that you have a</p> <p>9 personal interest in. Either, you know, an age</p> <p>10 group that you tend to like to get involved in.</p> <p>11 If it's Alzheimer's/dementia, we have members who</p> <p>12 like to get involved in those cases. And everyone</p> <p>13 is allowed to work something. Certainly,</p> <p>14 supervisors can be, like, if it's not a case</p> <p>15 that's worthy of time, as far as, like, if there</p> <p>16 just isn't enough there, or enough there for you</p> <p>17 to work, or you have other responsibilities, or</p> <p>18 other cases come in, you can be both assigned both</p> <p>19 cases and seek your own cases.</p> <p>20 Q. Well, when you seek out a case that</p> <p>21 you want to work on, who supervises you?</p> <p>22 A. That's in our unit. We all have -- at the</p> <p>23 time, Dave Jones was my assistant, and then I had</p> <p>24 Joe Glennon at the time was my sergeant. So he</p> <p>25 would be the supervisor that my reports would be</p>	<p>Tietjen - Direct/Bonjean Page 91</p> <p>1 unaware of their policies, so it's whatever is</p> <p>2 expressed to you. We assist many agencies on</p> <p>3 cases where our reporting is rather minimal and</p> <p>4 vague because they handle all the reporting. We</p> <p>5 assist them with investigative guidance</p> <p>6 essentially is how I would term it.</p> <p>7 Q. Which agency was in charge of the</p> <p>8 missing persons investigation when you became</p> <p>9 involved?</p> <p>10 MR. LIPSHUTZ: Objection to the form.</p> <p>11 A. It's always been Newark PD's investigation.</p> <p>12 The individual I was involved with was looking at</p> <p>13 it from a cold case aspect, so I was reporting</p> <p>14 back to him.</p> <p>15 Q. I'm sorry. You were reporting back</p> <p>16 to who? You cut off for that.</p> <p>17 A. I was reporting to Lieutenant Carrega. He</p> <p>18 would be the one who would ask me to assist or --</p> <p>19 those aspects.</p> <p>20 Q. Okay. So would it be fair to say</p> <p>21 then the policies that the investigation would be</p> <p>22 subject to would then be Newark Police Department's</p> <p>23 policies, to the best of your understanding?</p> <p>24 MR. LIPSHUTZ: Objection to the form</p> <p>25 of the question.</p>
<p>Tietjen - Direct/Bonjean Page 90</p> <p>1 reviewed by, but he wouldn't be with me on my</p> <p>2 jobs, though.</p> <p>3 Q. Okay. But you would still have --</p> <p>4 your supervisor would still have to -- I don't know</p> <p>5 what word to use -- signing off or agree that this</p> <p>6 is a case that, you know, is worthy of our time,</p> <p>7 and go ahead, and I'm gonna supervise you on it;</p> <p>8 right?</p> <p>9 A. Yeah. They would essentially, I guess you</p> <p>10 would call it, authorize you to continue, you</p> <p>11 know, and say that's worthy of our efforts.</p> <p>12 Q. Got it. So there is an authorization</p> <p>13 process. And I assume that with this missing</p> <p>14 investigation case, you did receive authorization</p> <p>15 to work on this case; correct?</p> <p>16 MR. LIPSHUTZ: Objection to the form.</p> <p>17 A. Yes.</p> <p>18 Q. Now, having received authorization to</p> <p>19 work on the case, what was your understanding of</p> <p>20 which agency's policies and/or practices you would</p> <p>21 be following?</p> <p>22 A. That's not -- like, I follow my policies</p> <p>23 with concerns for my stuff. Cases, when you</p> <p>24 assist other agencies, there are reporting issues,</p> <p>25 and that aspect becomes very different, and I'm</p>	<p>Tietjen - Direct/Bonjean Page 92</p> <p>1 MR. VOMACKA: I also object to the</p> <p>2 form of the question. You can answer.</p> <p>3 A. I don't know. I was dealing with whatever</p> <p>4 --</p> <p>5 (Reporter requested clarification.)</p> <p>6 A. Whatever Lieutenant Carrega was doing, how</p> <p>7 he was handling it. I was unaware at that point</p> <p>8 if anyone else was continuing it or looking at it.</p> <p>9 Q. Okay. But you're embarking on an</p> <p>10 investigation, an important investigation. Was it</p> <p>11 important to you to know what policy you should be</p> <p>12 following in connection with this investigation?</p> <p>13 A. I'd go with my own policies as far as the</p> <p>14 aspects that would concern certain avenues, yes,</p> <p>15 but I don't read their policies.</p> <p>16 Q. Okay. So when you say you go with</p> <p>17 your own policies, are you talking about Sergeant</p> <p>18 Tietjen's policies or the state police policies?</p> <p>19 A. State police policies.</p> <p>20 Q. Okay. So when you were doing your</p> <p>21 work on this case, you were guided by the state</p> <p>22 police policies in your work; right?</p> <p>23 A. Yes.</p> <p>24 Q. You didn't read Newark Police</p> <p>25 Department policies; right?</p>

<p>Tietjen - Direct/Bonjean Page 93</p> <p>1 A. No.</p> <p>2 Q. Is that a no?</p> <p>3 A. No.</p> <p>4 MR. LIPSHUTZ: I'm sorry. It was a</p> <p>5 negative question. Did you read Newark's</p> <p>6 policies?</p> <p>7 THE WITNESS: No.</p> <p>8 MR. LIPSHUTZ: Okay.</p> <p>9 Q. And were you provided a copy with</p> <p>10 Newark's policies, at least as they pertained to</p> <p>11 this missing persons/homicide investigation/cold</p> <p>12 case investigation?</p> <p>13 MR. LIPSHUTZ: Objection to the form.</p> <p>14 A. No.</p> <p>15 Q. Did you review any policies that the</p> <p>16 Essex County Prosecutor's Office may have had?</p> <p>17 A. No.</p> <p>18 Q. And when I'm talking about policies,</p> <p>19 by the way, just so we're on the same page, I'm</p> <p>20 talking about written policies or orders or</p> <p>21 anything on a piece of paper that guides law</p> <p>22 enforcement in their duties and responsibilities.</p> <p>23 Okay?</p> <p>24 A. Yes.</p> <p>25 Q. Were you provided with any written</p>	<p>Tietjen - Direct/Bonjean Page 95</p> <p>1 prior to May of 2008, if you know?</p> <p>2 MS. ROSEN: Objection to the form.</p> <p>3 A. I do not.</p> <p>4 Q. Now, you participated in a number of</p> <p>5 interviews with other members of the team,</p> <p>6 including Lieutenant Carrega; correct?</p> <p>7 MR. LIPSHUTZ: Objection to the form.</p> <p>8 A. Yes.</p> <p>9 Q. Tell me what the hierarchy was in</p> <p>10 terms of who led the interviews when you</p> <p>11 participated, if you understand what I'm saying?</p> <p>12 A. Yes, I do.</p> <p>13 Q. I'm sorry?</p> <p>14 A. Yes, I understand what you're saying.</p> <p>15 Q. Okay. And who was that?</p> <p>16 A. Lieutenant Carrega was the lead on</p> <p>17 interviews that he was there.</p> <p>18 Q. And was there a default for</p> <p>19 interviews when Carrega was not there?</p> <p>20 A. No, I think we all worked well together,</p> <p>21 and I didn't see any issues. Everyone who was</p> <p>22 working on the job worked hand-in-hand, but he was</p> <p>23 our, in my eyes, the lead of the cold case.</p> <p>24 Q. By the way, were you aware of whether</p> <p>25 or not Essex County or Newark had any embarked on</p>
<p>Tietjen - Direct/Bonjean Page 94</p> <p>1 policies either by Lieutenant Carrega or anyone</p> <p>2 else that were prepared by the Essex County</p> <p>3 Prosecutor's Office?</p> <p>4 A. No.</p> <p>5 Q. And do you know whether the state</p> <p>6 police policies differed in any way from the</p> <p>7 policies of the Newark Police Department or the</p> <p>8 Essex County Prosecutor's Office?</p> <p>9 A. No.</p> <p>10 MR. LIPSHUTZ: Lack of foundation.</p> <p>11 Q. Okay. Did you ever discuss with</p> <p>12 Lieutenant Carrega or any other member of this unit</p> <p>13 that was looking at this case policies that you</p> <p>14 should take into consideration in your work on this</p> <p>15 cold case?</p> <p>16 MR. LIPSHUTZ: Objection to the form.</p> <p>17 A. No.</p> <p>18 Q. Had you received any training prior</p> <p>19 to your involvement specific to conducting cold</p> <p>20 case investigations?</p> <p>21 A. I don't believe so, unless there was a</p> <p>22 block in one.</p> <p>23 Q. And do you know whether or not</p> <p>24 Lieutenant Carrega had received any training in</p> <p>25 connection with conducting cold case investigations</p>	<p>Tietjen - Direct/Bonjean Page 96</p> <p>1 any other cold case investigations prior to this</p> <p>2 one?</p> <p>3 A. Regarding what? This case or others?</p> <p>4 Q. Yeah, no. My apologies. Any other</p> <p>5 cases not related to this Lee Evans or the five</p> <p>6 boys, any other cold cases that had been</p> <p>7 investigated by Newark and/or Essex County</p> <p>8 Prosecutor's?</p> <p>9 A. I'm sure they do and did, but, you know,</p> <p>10 like, I can't recall any that I was involved in a</p> <p>11 cold case as a missing persons that were cold</p> <p>12 cases prior to this from Newark that were involved</p> <p>13 as well. So, yeah, definitely.</p> <p>14 Q. Okay. Now, before you would go</p> <p>15 interview someone that was identified as a person,</p> <p>16 you know, who should be interviewed, did you</p> <p>17 discuss with your team or Lieutenant Carrega how</p> <p>18 the interview would be handled and what you wanted</p> <p>19 to accomplish in the interview?</p> <p>20 MR. LIPSHUTZ: Objection to the form.</p> <p>21 A. That may seem so like --</p> <p>22 (Connectivity issues.)</p> <p>23 A. You may have discussed who is going to do</p> <p>24 the intro and take the lead at the door, and</p> <p>25 typically that's who engaged in the conversation</p>

<p>Tietjen - Direct/Bonjean Page 97</p> <p>1 via phone or, if anything, at first contact, it 2 might have just been decided on the walk-up, Hey, 3 you can knock, and then you go from there, but... 4 Q. Were there some witnesses, though, 5 you had a plan in place for how you would approach 6 the interview? 7 A. You certainly would have thoughts of what 8 you want to ask them about from case facts prior, 9 so that would be considered a plan per se. 10 Q. And did you discuss the plan, if you 11 want to call it that, with your colleagues before 12 the interview typically? 13 A. Which? Like, I'm trying to think about, 14 like, if I was going to a parent for a DNA, I 15 would discuss that it would be my thing to discuss 16 the DNA aspect. There would be an introduction. 17 You certainly have other case facts you want to 18 address, so that would be like -- but who says 19 what and who does what, it wasn't like scripted 20 out, no. 21 Q. Right. But in an important interview 22 like a Philander Hampton interview or a Lee Evans 23 interview, presumably, you all wanted to be on the 24 same page about how you -- what you wanted to do 25 during that interview; correct?</p>	<p>Tietjen - Direct/Bonjean Page 99</p> <p>1 Q. And I would say, you know, witnesses 2 that at least on their face seemed less important, 3 maybe you didn't have quite a detailed plan, but 4 you would still discuss who would take the lead if 5 Carrega wasn't there; is that fair? 6 A. I don't know -- there's no written plan. 7 There may have been discussion like, Oh, I'll 8 start off here, but I don't recall each of those 9 specific interviews. 10 Q. Well, would you agree that some 11 police officers tend to be more active in 12 interrogations or interviews than others? 13 A. Certainly. It's a personality. Some would 14 lead right through and step over others, or some 15 will just simply sit back and allow somebody else 16 to step forward and let the course of the 17 interview go, and sometimes you have a person 18 you're interviewing who does not care for the 19 person who's initiated the initial lead, and then 20 you hope that you're confident enough in your 21 other person with you that they can step forward 22 and engage and elicit responses and engage them in 23 conversation. And, you know, this group had all 24 very different aspects that somebody might want to 25 talk to each one of us.</p>
<p>Tietjen - Direct/Bonjean Page 98</p> <p>1 A. We all had the same goal, certainly, and 2 the same information we were trying to deal with. 3 If we're talking about Lee Evans' attempt at the 4 interview after his arrest, it was Detective Joe 5 Hadley and I had a chat with him to initiate the 6 interview, and Detective Hadley read him the 7 Miranda, so that would essentially be the lead. 8 We decide before we go who is going to read the 9 Miranda. 10 Q. But even prior to his arrest, you all 11 had made multiple efforts to interview Lee again; 12 right? 13 A. Yes. 14 Q. And, in fact, I think I saw at some 15 point one person called and then left a message, 16 and another one of you called and left a message, 17 and then someone else called and left a message; 18 right? 19 A. Yes. 20 Q. That was all discussed in advance; 21 correct? 22 A. Oh, certainly. 23 Q. And you had a plan for trying to get 24 Lee to sit down for a conversation; correct? 25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 100</p> <p>1 Q. Right. And different interviewers 2 have different styles; would you agree? 3 A. Correct, yes. 4 Q. How would you describe your style? 5 A. I would say I try to be calm, specific, 6 nonthreatening, you know, and show genuine 7 interest in the information I'm looking for. I 8 guess that would be -- you know, I don't know if 9 it covers enough, but that's kind of how I would 10 go at it. 11 Q. You're not an in-your-face 12 pointing-the-finger type? 13 A. No. 14 Q. You said you had training in 15 connection with conducting interrogations or 16 interviews; right? 17 A. Yes. 18 Q. What type of training was that? Was 19 that a classroom type of training or -- 20 A. It was a classroom training. 21 Q. Did you do simulations, like 22 practice? 23 A. I don't recall practice in there, no. We 24 watched some videos as well. 25 Q. So you reviewed videos, critiqued</p>

<p>Tietjen - Direct/Bonjean Page 101</p> <p>1 videos type of thing?</p> <p>2 A. Yes.</p> <p>3 Q. And was part of the training, you</p> <p>4 know, this works, this doesn't work type of thing?</p> <p>5 A. Yes.</p> <p>6 Q. What did you learn in that training</p> <p>7 about feeding witnesses or suspects information --</p> <p>8 (Connectivity issues.)</p> <p>9 A. You're unclear. Please repeat that whole</p> <p>10 statement.</p> <p>11 Q. Sure. In your training, in your</p> <p>12 classroom training, or really on-the-job training,</p> <p>13 did you receive any information about the</p> <p>14 importance of not feeding details to someone who is</p> <p>15 being interviewed that they wouldn't already know?</p> <p>16 A. Depends. Like sometimes you have to, like,</p> <p>17 bring people to the event that you want to discuss</p> <p>18 because their own style is very all over the</p> <p>19 place. I tend not to try to feed them</p> <p>20 information. I try to elicit information. I</p> <p>21 don't know if that was specifically taught in the</p> <p>22 class. It probably was, but we're talking like</p> <p>23 1999. But that's my style. I tend not try to</p> <p>24 feed unknown information to somebody. I try to</p> <p>25 see -- if they've provided it before, I may</p>	<p>Tietjen - Direct/Bonjean Page 103</p> <p>1 incident?</p> <p>2 A. It depends what you're -- if we're</p> <p>3 referring to a specific statement like on a video</p> <p>4 or audio, sometimes you have suspects who will</p> <p>5 tell you information prior to that taped -- after</p> <p>6 Miranda, post arrest, or even prior to them being</p> <p>7 arrested, and they already told you, so you have</p> <p>8 to bring them back to that information. Just like</p> <p>9 I said before, you're bringing them back to the</p> <p>10 point you want to discuss, and many times people</p> <p>11 will overstep facts when they're going through the</p> <p>12 interview again, whether it be on video or audio,</p> <p>13 or when you did sit down. You know, if I have a</p> <p>14 street conversation with somebody out on the</p> <p>15 street, and they tell me information, and, you</p> <p>16 know, I want to capture this on the video</p> <p>17 statement. When I reinitiate that video or audio</p> <p>18 statement, they tend to step through many aspects</p> <p>19 of it, and you have to sometimes bring them back.</p> <p>20 And sometimes the personality issue on the person</p> <p>21 or like the upbringing, you ask them to tell the</p> <p>22 whole story, they rush through it. So it would</p> <p>23 all depend upon the event. I think that most of</p> <p>24 it we're trying to listen to what they have to</p> <p>25 say. And sometimes we become aware of statements</p>
<p>Tietjen - Direct/Bonjean Page 102</p> <p>1 refresh them. And after that --</p> <p>2 (Reporter requested clarification.)</p> <p>3 A. If it doesn't come up, and they provide it</p> <p>4 before, I may refresh them back to that piece of</p> <p>5 information I want to speak about. If they're</p> <p>6 unknowing of the event, I would potentially have</p> <p>7 to bring them to that event to discuss. If they</p> <p>8 say, I don't know, so you may know nothing about</p> <p>9 this car theft, or whether the car was parked on</p> <p>10 the corner, and they might say, Oh, I saw the</p> <p>11 black car on the corner, but I thought nothing of</p> <p>12 it. So the information they provide you might</p> <p>13 have been very vague until you can bring them to</p> <p>14 that point.</p> <p>15 Q. Well, would you agree that if a</p> <p>16 suspect provides you with information that only the</p> <p>17 offender would know, this would have good</p> <p>18 evidentiary value?</p> <p>19 A. Yes.</p> <p>20 Q. All right. So with that principle in</p> <p>21 mind, would you agree that it's important not to</p> <p>22 feed information to a suspect so you can ensure</p> <p>23 that if you're getting a piece of information, he's</p> <p>24 not just regurgitating what you told him but that</p> <p>25 it actually shows that he has knowledge about the</p>	<p>Tietjen - Direct/Bonjean Page 104</p> <p>1 they've made to us during it that weren't included</p> <p>2 now or weren't included later, so I don't know</p> <p>3 what we're...</p> <p>4 Q. Well, putting aside that you may want</p> <p>5 to refresh someone's recollection with something</p> <p>6 they already told you, I'm talking about when you</p> <p>7 are conducting an interview for the first time with</p> <p>8 a suspect, would you agree that it's important not</p> <p>9 to feed them information that only the offender</p> <p>10 would know so that you can assure yourself that</p> <p>11 they're not just regurgitating what you told them</p> <p>12 but that they actually have firsthand knowledge</p> <p>13 about the event?</p> <p>14 A. I would agree that would be important.</p> <p>15 Q. Now, on June 2nd of 2008, you</p> <p>16 interviewed a Lillie Williams; right?</p> <p>17 A. Yes.</p> <p>18 Q. And this interview was conducted with</p> <p>19 Lieutenant Carrega and Detective Hadley; correct?</p> <p>20 A. Yes.</p> <p>21 Q. And just to be clear, prior to your</p> <p>22 interview with Lillie Williams, you had developed</p> <p>23 information that had been known since 1978 that the</p> <p>24 boys had been seen in and around the time of their</p> <p>25 disappearance with Lee Evans; right?</p>

<p>Tietjen - Direct/Bonjean Page 105</p> <p>1 A. Yes.</p> <p>2 Q. What other information as of</p> <p>3 June 2nd, 2008, did you possess that would lead you</p> <p>4 to believe that Lee Evans had any involvement in</p> <p>5 the disappearance and presumed murders of the boys</p> <p>6 other than what we just identified?</p> <p>7 MR. VOMACKA: Objection to form, but</p> <p>8 you can answer.</p> <p>9 A. The identified case from '78 through have</p> <p>10 him as an involved party and last being seen with</p> <p>11 them. So that's what we were working on.</p> <p>12 Q. Right. And I'm trying to put a</p> <p>13 little finer point on it.</p> <p>14 I know we've established that the</p> <p>15 case report, case file, no question, established</p> <p>16 that the boys had been seen with Lee in and around</p> <p>17 the time of their disappearance. But apart from</p> <p>18 that fact, what other fact can you point me to that</p> <p>19 would lead a person to believe that Lee was</p> <p>20 involved in their disappearance and/or presumed</p> <p>21 murders?</p> <p>22 A. The fact they were last with him, and they</p> <p>23 were never seen after being with him again. You</p> <p>24 know, I think, in this case we had other potential</p> <p>25 sightings throughout the early stages, but they're</p>	<p>Tietjen - Direct/Bonjean Page 107</p> <p>1 Q. Right. According to the reports,</p> <p>2 they went missing in and around August 20th to</p> <p>3 August 22nd, and they actually weren't even</p> <p>4 reported missing until August 23rd; right?</p> <p>5 A. Correct.</p> <p>6 Q. The 1978 reports reflected varying</p> <p>7 information about when the boys were last seen;</p> <p>8 would you agree with that?</p> <p>9 A. I agree that there are varying times on the</p> <p>10 20th that they were last seen, yes.</p> <p>11 Q. So my point is the reports reflect</p> <p>12 that Lee Evans was with the boys approximately</p> <p>13 around the time they left, but the reports didn't</p> <p>14 conclusively show that he was the last person to</p> <p>15 see them; would you agree?</p> <p>16 MR. LIPSHUTZ: Objection.</p> <p>17 Argumentative.</p> <p>18 MR. VOMACKA: Objection to form. You</p> <p>19 can answer.</p> <p>20 A. Of the people that were interviewed in</p> <p>21 those initial reports, the last time they saw the</p> <p>22 boys was with Lee Evans.</p> <p>23 Q. Okay.</p> <p>24 A. You know, I don't know if -- there are</p> <p>25 probably one or two that might say that when they</p>
<p>Tietjen - Direct/Bonjean Page 106</p> <p>1 always potential. We get that now on cases as</p> <p>2 well. And some have investigates those as well as</p> <p>3 they -- but as best we knew, Lee Evans was the</p> <p>4 last one seen with the boys. They were never seen</p> <p>5 again, and that would lead us that he's someone of</p> <p>6 interest.</p> <p>7 Q. Okay. Let's try again. First of</p> <p>8 all, you actually were unable to pinpoint when the</p> <p>9 boys disappeared; right?</p> <p>10 A. Well, we knew on or about August 20, 1978.</p> <p>11 Q. Right. That's like a full day,</p> <p>12 which --</p> <p>13 A. No, we knew -- we had at time breakdowns</p> <p>14 where people last see them, and they're reported</p> <p>15 in the 1978 reports, so some were closer to that</p> <p>16 11 o'clock at night, some had seen, the last</p> <p>17 sightings.</p> <p>18 Q. And there were reports that they were</p> <p>19 seen after that; right?</p> <p>20 A. Sure. I mean, like I said, you're going to</p> <p>21 get that. You have to work on that as well and</p> <p>22 see if that's viable, but that was -- I believe</p> <p>23 those are sights of not people intimately involved</p> <p>24 saw him. None of the family members saw their</p> <p>25 kids the next day.</p>	<p>Tietjen - Direct/Bonjean Page 108</p> <p>1 say them, they weren't. But the ones who</p> <p>2 described them leaving with him in the truck, it</p> <p>3 was his vehicle. I think what she said was it was</p> <p>4 Lee Evans' vehicle. They didn't see Lee, but it</p> <p>5 was his truck.</p> <p>6 Q. Okay. And the point is, is that was</p> <p>7 the last time they saw them, but they were unable</p> <p>8 to say when the boys actually went missing; right?</p> <p>9 MR. VOMACKA: Asked and answered.</p> <p>10 MR. LIPSHUTZ: Objection to form.</p> <p>11 You can answer.</p> <p>12 A. Missing to them is the point they last seen</p> <p>13 them. So if your kid goes missing today at -- you</p> <p>14 last see them at 9:00 a.m., the report is going to</p> <p>15 say last seen to you at 9:00 a.m. Someone else</p> <p>16 may have seen them at 11:00 on the street corner,</p> <p>17 but we have yet to identify that person who saw</p> <p>18 them at 11:00, so I don't, you know...</p> <p>19 Q. Well, they didn't actually -- they</p> <p>20 did not actually report them missing until a couple</p> <p>21 days later, so they -- would you agree that the</p> <p>22 parents didn't initially at least feel that the</p> <p>23 boys had been disappeared or murdered or --</p> <p>24 MR. LIPSHUTZ: Objection to form.</p> <p>25 MR. VOMACKA: Objection to form. You</p>

<p>Tietjen - Direct/Bonjean Page 109</p> <p>1 can answer.</p> <p>2 A. 1978 is very different than today.</p> <p>3 Patricia's Law had you put down in writing how</p> <p>4 quickly you take the report. Because the issues</p> <p>5 have been throughout the State of New Jersey</p> <p>6 routinely where agencies tell families they had to</p> <p>7 wait 24 hours, they had to wait days, to make a</p> <p>8 report. Unknown to me why there was a delay in</p> <p>9 the reporting. Whether they made initial attempts</p> <p>10 and were told to wait for them to return, whether</p> <p>11 they had experienced the boys staying overnight</p> <p>12 somewhere, but there is a delay.</p> <p>13 We, as of last week, had a report</p> <p>14 where a family member reported a guy who killed</p> <p>15 himself, and she waited 24 hours because she</p> <p>16 thought the 24-hour rule was in effect.</p> <p>17 Q. Okay. And I am not disputing that</p> <p>18 1978 was a very different time, but for whatever</p> <p>19 reason, the boys allegedly went missing on August</p> <p>20 20th, and it wasn't reported by the parents, at</p> <p>21 least as far as we know, until August 22nd;</p> <p>22 correct?</p> <p>23 A. Correct. We have one mother who drives</p> <p>24 around looking for them at 3:00 a.m. with her, I</p> <p>25 guess another family member, I'm trying to think</p>	<p>Tietjen - Direct/Bonjean Page 111</p> <p>1 sorry. You can answer.</p> <p>2 A. No one stated that they were hurt on that</p> <p>3 initial report. It was unknown from the last</p> <p>4 point they saw them.</p> <p>5 Q. So we're getting a little far afield.</p> <p>6 I'll bring us back. But my point is apart from the</p> <p>7 reports reflecting that Lee Evans may have been one</p> <p>8 of the last people to see him, or was the last</p> <p>9 person by some people's account, to see the boys,</p> <p>10 and not all the boys; right?</p> <p>11 MR. LIPSHUTZ: Which question are you</p> <p>12 asking?</p> <p>13 Q. The reports did not reflect that Lee</p> <p>14 Evans was the last person to be seen with all five</p> <p>15 of the boys; right?</p> <p>16 A. Each of the boys is broken down differently</p> <p>17 throughout the report, so we would have to, like,</p> <p>18 timeline through that to identify each one in</p> <p>19 there, but --</p> <p>20 Q. I'm just asking if you remember that.</p> <p>21 If you don't, you don't remember. The reports will</p> <p>22 speak for themselves. But do you recall whether or</p> <p>23 not Lee Evans was the last person to be seen with</p> <p>24 every single one of those five boys?</p> <p>25 A. It depends on who -- he's the last one seen</p>
<p>Tietjen - Direct/Bonjean Page 110</p> <p>1 of the name. I think was Floria McDowell or</p> <p>2 something like that. Floria McDowell. Yeah, I</p> <p>3 think it was her. She drove around with a</p> <p>4 relative looking for them at 3:00 a.m., but no</p> <p>5 reports to police, so they're concerned, and it</p> <p>6 shows a concern.</p> <p>7 Q. I am not suggesting their parents</p> <p>8 weren't concerned. I'm just trying to set a time</p> <p>9 frame here, though, they were not formally reported</p> <p>10 missing until August 22nd, and then the assignment</p> <p>11 wasn't actually received until August 23rd;</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And the parent could say when</p> <p>15 the last time they saw their kid was and who they</p> <p>16 saw them with, if anyone, but no one was able to</p> <p>17 state at which point the boys were -- well, no one</p> <p>18 was able to say whether the boys had been injured</p> <p>19 or hurt; correct?</p> <p>20 A. I don't know what you're getting to with</p> <p>21 that.</p> <p>22 Q. No one was able -- my point is no one</p> <p>23 knows exactly when they were hurt; right? If they</p> <p>24 were hurt.</p> <p>25 MR. VOMACKA: Objection to form. I'm</p>	<p>Tietjen - Direct/Bonjean Page 112</p> <p>1 at 11:00 on the reports that the family members</p> <p>2 are aware of them. I don't know if they saw</p> <p>3 anybody else afterwards that I can recall.</p> <p>4 Q. My question was different, though.</p> <p>5 It had to do with whether or not it was all five</p> <p>6 boys that he was last seen with, or three of the</p> <p>7 boys, or two of the boys?</p> <p>8 (Reporter requested clarification.)</p> <p>9 A. Lee Evans or his vehicle was seen with all</p> <p>10 five boys at some point that evening.</p> <p>11 Q. At some point within the 24-hour</p> <p>12 period?</p> <p>13 A. No. At some point that evening, let's even</p> <p>14 push it from 8 o'clock on until midnight.</p> <p>15 Q. Okay. Fine. At some point that</p> <p>16 evening, Lee Evans was seen with, your belief is</p> <p>17 with all five of the boys; am I right? Correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And apart from that fact that</p> <p>20 we've just honed in on, what other evidence led you</p> <p>21 to believe that Lee Evans was involved from those</p> <p>22 original reports that you reviewed?</p> <p>23 MR. LIPSHUTZ: Asked and answered.</p> <p>24 Q. Anything else?</p> <p>25 A. Reading through the report, you have many</p>

<p>Tietjen - Direct/Bonjean Page 113</p> <p>1 aspects of the report that still continue to 2 identify him as a person of interest throughout 3 it. 4 Q. That's just gobbledygook. I'm asking 5 you to identify a fact other than the one you've 6 identified that he was the last one seen with the 7 boys, according to your interpretation of the 8 reports, what other fact did you identify from 9 those reports that led you to believe that Lee 10 Evans was involved in their disappearance? 11 A. That the boys had stolen marijuana from 12 him. 13 Q. Okay. 14 A. That he had a potential motive for getting 15 back at them as well. 16 Q. I'm sorry. What was the second part? 17 A. That there was a potential motive because 18 they had stolen marijuana from him. There were 19 reports in there that somebody was trying to get 20 marijuana back and money as well, or money for the 21 marijuana. 22 Q. I'm going to stop you right there. 23 So one other fact that you drew from these reports 24 is that there was some indication that the boys had 25 stolen, or some of the boys, had stolen marijuana</p>	<p>Tietjen - Direct/Bonjean Page 115</p> <p>1 spot. I don't recall what changed in there, but 2 the entire time through, Lee Evans was a main 3 person of concern. He was not arrested. Until we 4 spoke to Philander Hampton and he provided new 5 information to us, yeah, that's where the big 6 concern takes in our -- he was always a suspect. 7 Q. You can say he was main suspect from 8 those reports, and that's fine. I understand 9 that's your view, but that's not -- I'm not looking 10 for your opinion about that. I'm looking for the 11 underlying factual basis for that opinion. 12 So my question, though, was even 13 though there was reports that the boys had stolen 14 marijuana from Lee, and, in fact, there was some 15 marijuana recovered from one of the boy's rooms; 16 right? 17 A. Yes. 18 Q. But you weren't able to come up with 19 the marijuana, or the detectives were not able come 20 up with that specific marijuana from the evidence; 21 correct? 22 A. She broke up. I didn't hear her. 23 Q. The reports did not reflect that the 24 detectives were ever able to connect the specific 25 marijuana that was recovered from the boy's room to</p>
<p>Tietjen - Direct/Bonjean Page 114</p> <p>1 from Lee; right? 2 A. Yes. 3 Q. And in your mind, that was a 4 potential motive for murder; correct? 5 A. Correct. 6 Q. Or, I suppose, in your mind as of 7 2008, you're presuming these boys are dead; 8 correct? 9 A. Yes. 10 Q. And I know that you indicated just 11 now that there was some reporting that someone was 12 trying to get the marijuana back or get money for 13 the marijuana; right? 14 A. Yes. 15 Q. But the reports never connected that 16 piece to Lee Evans; right? 17 MR. LIPSHUTZ: Objection to the form. 18 Q. Go ahead. Do you need me to repeat 19 the question? 20 A. No. I said the marijuana was connected to 21 Lee. 22 Q. Right. 23 A. The boys -- I can review all these old 24 files for hours, if you want, about Hairston's 25 report, and we can go bit by bit and find that</p>	<p>Tietjen - Direct/Bonjean Page 116</p> <p>1 Lee Evans' stash; right? 2 A. No. 3 Q. Okay. And, in fact, the detectives 4 who were working on the case back in 1978 were 5 never able to actually connect the person who was 6 trying to get money, and that was calling for the 7 money, named Bob; right? Does that ring a bell? 8 A. Right, correct. 9 MR. LIPSHUTZ: Objection to the form. 10 Q. Did you ever see anything in those 11 reports that was able to connect Bob in any way to 12 Lee Evans? 13 A. No. 14 Q. Okay. Apart from the potential 15 motive that the boys may have stolen some marijuana 16 from Lee and the fact that Lee had been with the 17 boys around the time of their disappearance, are 18 you able to identify for me any other facts you 19 developed from the 1978 reports that led you to 20 believe that Lee was part of their disappearance? 21 A. They broke into his residence, and -- 22 (Connectivity issues.) 23 A. -- and broke a window entering the 24 residence this last time, which caused Ernie 25 Taylor to have a cut on his hand.</p>

<p>Tietjen - Direct/Bonjean Page 117</p> <p>1 Q. Okay. And that was to get the 2 marijuana, though; right? 3 A. Correct. 4 Q. So that's part of the marijuana 5 motive? That's the motive; right? Right? 6 A. Yes. 7 Q. Okay. Apart from that motive 8 evidence you've identified and the fact that he was 9 seen in and around the time with the boys when they 10 disappeared, what else, anything you can point me 11 to from those '78 reports that led -- 12 A. Not that I recall. 13 Q. Let me finish -- that led you to 14 believe that Lee was the perpetrator? 15 A. He was last seen, and he has a motive. 16 Not -- that's what we're working on, right. 17 Q. I'm asking what -- anything else? 18 A. No, that's -- he's -- they broke into his 19 house. They stole his marijuana. He worked with 20 them. It's a step process. He was last seen. So 21 the people last seen with the boys would be the 22 people that would be of interest, whether they are 23 named suspects, they are your person of interest 24 to go speak to. So those facts there lead you to 25 want to speak to them. Whether they get resolved</p>	<p>Tietjen - Direct/Bonjean Page 119</p> <p>1 Q. Okay. Do you think that stealing 2 marijuana is a motive for killing five children? 3 A. Certainly. 4 Q. Really? 5 A. Yes. 6 Q. How many other cases have you seen 7 where someone has committed, I don't know, maybe 8 five homicides, a five-person homicide, for the 9 stealing of a small amount of marijuana? 10 A. Well, some people reported it to be a 11 pound. But you have multiple break-ins at his 12 house. And then look at today in the cities, 13 people kill people for a little bit of stuff. So 14 I don't have any doubt that you could kill 15 somebody for stealing their marijuana and breaking 16 in their house multiple times. I have no doubts 17 about that at all as being a motive. 18 Q. Even someone who doesn't have a 19 particularly profound criminal record? 20 A. Yes. 21 Q. So in your mind, that was the motive? 22 You were persuaded of that motive. Did you 23 consider any other motives? 24 A. You broke up there again. 25 Q. I said did you consider any other</p>
<p>Tietjen - Direct/Bonjean Page 118</p> <p>1 at some point or they don't, those are still what 2 we have presented. 3 Q. Right. But the period of time -- 4 well, strike that. I'm not going to debate with 5 you about whether or not -- you don't know when the 6 boys were missing. So whether or not Lee was the 7 last person seen with him, that's just from the 8 parents' accounts from hours earlier; right? 9 MR. VOMACKA: Objection to form, but 10 you can answer. 11 MR. LIPSHUTZ: Objection to the form. 12 A. Parents and friends and others interviewed 13 that were with them that evening. 14 Q. Right. And there were a lot of 15 people that were around Lee Evans in and around 16 that time other than those boys, too; right? 17 MR. VOMACKA: Objection to the form, 18 but you can answer the question. 19 MR. LIPSHUTZ: Same objection. 20 A. I'm sure. 21 Q. Okay. So there was -- supposedly 22 Maurice Olds was around there; correct? 23 A. Correct. 24 Q. Royster; right? 25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 120</p> <p>1 motives other than the one that you identified when 2 you were looking at this case in June of 2008? 3 A. Every case I look at, I try to be open to 4 other possibilities as well that present to the 5 case, and then you go where the case will lead you 6 with the information provided to you. I think 7 there's potentially always several possibilities 8 in every case from the beginning through. At no 9 point when I sat down with Phil Hampton when Phil 10 Hampton was willing to take the interview did I 11 think what he told us was ever going to happen. 12 Q. Okay. But my question is what other 13 motives did you consider, if any, other than the 14 one of the boys stole some marijuana from Lee? 15 A. Well, there were many motives that were 16 touched on in the 1978 and later reports that 17 could be a potential. Did they run away and go to 18 a cult? There was -- 19 (Connectivity issues.) 20 A. It was, like, did they run away? Did they 21 go to a cult? Did they go to the city? I think 22 somebody -- we got a Washington, D.C. call. And 23 all of those things were looked at back then. The 24 underlying open-ended one was still the motive for 25 Lee Evans with the marijuana and the break-ins to</p>

<p>Tietjen - Direct/Bonjean Page 121</p> <p>1 his residence. 2 Q. So you didn't pursue those other 3 possible motives when you got on the case; right? 4 A. No, no. 5 Q. You looked at the police reports, and 6 the one motive that you thought made sense was the 7 marijuana motive; right? 8 A. I looked at the reports and saw what was 9 still open-ended, and that was the Lee Evans 10 marijuana motive. 11 Q. And you never were able to prove that 12 Lee Evans was involved in narcotics trafficking; 13 right? 14 A. Only with statements made to us. That's 15 it. No -- it's 1978. I had no proof of his 16 arrest for that. 17 Q. Who made statements -- well, strike 18 that. 19 You weren't able to corroborate any 20 of those statements that Lee had marijuana in his 21 house and was involved in selling marijuana; right? 22 MR. VOMACKA: Objection to the form, 23 but you can answer. 24 A. It was -- I wasn't looking to arrest Lee on 25 the marijuana charges. The information provided</p>	<p>Tietjen - Direct/Bonjean Page 123</p> <p>1 Q. So the statements from 1978 about him 2 having marijuana in his house was enough to 3 persuade you that Lee Evans was a significant drug 4 dealer who would kill five people for stealing his 5 marijuana; right? 6 MR. LIPSHUTZ: Objection. 7 MR. VOMACKA: Objection. 8 MR. LIPSHUTZ: You can answer. 9 A. I wouldn't say identified him as a 10 significant drug dealer. I would say he was a 11 person with marijuana who had his marijuana stolen 12 and his broke house broken into and that he became 13 upset to that, and that became his motive. 14 Q. And so upset that he would murder 15 five people over it; right? 16 A. Yes. 17 Q. So in June of 2008, you started 18 getting involved in investigations and being more 19 active in this investigation; fair? 20 A. Yes. 21 Q. You spoke to Lillie Williams. But, 22 again, was there anything that came out of that 23 interview that made it more likely that Lee was 24 involved in these presumed murders? 25 A. Nothing more than previously had been</p>
<p>Tietjen - Direct/Bonjean Page 122</p> <p>1 in the statements, and people interviewed later on 2 when we got involved still indicated that he was 3 involved with marijuana. 4 Q. You had a number of people saying he 5 was involved with marijuana; right? 6 A. Correct. 7 Q. You never found out what type of 8 marijuana operation he ran; is that right? 9 A. Yes. 10 MR. LIPSHUTZ: Objection. 11 Q. You don't know who his supplier was; 12 correct? 13 A. No. 14 Q. He had no arrests for marijuana; 15 correct? 16 A. No. 17 Q. And, in fact, you actually spoke to 18 one of the so-called suppliers of marijuana, and 19 he's like, "I've never heard of Lee Evans in my 20 life." Right? 21 A. Yes. 22 Q. Okay. So when you developed that 23 information, did it make you think, "Hmm, maybe Lee 24 Evans isn't involved really in drug trafficking"? 25 A. No.</p>	<p>Tietjen - Direct/Bonjean Page 124</p> <p>1 provided. 2 Q. Right. She didn't give you any 3 additional information that advanced your theory 4 that Lee Evans was involved; right? 5 A. No. 6 Q. And you also interviewed a Cathy 7 Canady on June 6th, 2008? 8 A. Yes. 9 Q. And I notice that you said refer to 10 Lieutenant Carrega's report for details about that? 11 A. Yes. 12 Q. Is that because you didn't take notes 13 during that interview? 14 A. I don't know if I took notes or not on that 15 interview. 16 Q. Could you have? 17 A. I could have. I don't know. 18 Q. Okay. 19 A. But that would have been one that it was 20 decided when we who -- was going to cover each 21 aspect, and that was one that Lieutenant Carrega 22 was to be responsible for. 23 Q. It was your understanding that 24 Lieutenant Carrega would write a report in 25 connection with the interview of Cathy Canady?</p>

<p>Tietjen - Direct/Bonjean Page 125</p> <p>1 A. Certainly.</p> <p>2 Q. Did you ever see that report?</p> <p>3 A. No.</p> <p>4 Q. Have you ever seen that report?</p> <p>5 A. No.</p> <p>6 Q. As you sit here today, are you now</p> <p>7 aware that no such report was ever made?</p> <p>8 A. I became aware during the Miranda hearing</p> <p>9 for Philander Hampton. Actually, the day prior,</p> <p>10 he testified.</p> <p>11 Q. Did it trouble you that there had</p> <p>12 been no report made, even though you referring were</p> <p>13 to a report in your report?</p> <p>14 A. Oh, yes.</p> <p>15 Q. And why was it troubling to you?</p> <p>16 A. Because you work with a group of people;</p> <p>17 you cover aspects of an investigation. It's</p> <p>18 decided who will cover certain aspects. I wrote</p> <p>19 first, I handed off my report. I believe Bill</p> <p>20 Hadley wrote his report next, or completed all</p> <p>21 aspects of his report, whether he had others that</p> <p>22 written throughout, and then it was passed on to</p> <p>23 Lieutenant Carrega. So I don't get stuff passed</p> <p>24 down on that aspect from him. It's passed up</p> <p>25 through him. And if he choose, chose, not to</p>	<p>Tietjen - Direct/Bonjean Page 127</p> <p>1 Carrega's style of interviewing? I know you</p> <p>2 described your own. But how would you describe</p> <p>3 his?</p> <p>4 MS. ROSEN: Objection to the form.</p> <p>5 You can answer.</p> <p>6 A. Everyone is different. He's seeking</p> <p>7 factual basis to events he wants to learn.</p> <p>8 Q. Right. But stylistically, what was</p> <p>9 his style? Was he like your style? Would you say</p> <p>10 you have a similar style?</p> <p>11 A. I think we have varying differences. I</p> <p>12 think the three of us, including Joe, who was</p> <p>13 definitely a great interviewer as well, were able</p> <p>14 to mesh our styles into something that the</p> <p>15 majority of people we spoke to, if not all, felt</p> <p>16 very comfortable speaking with us. So I wouldn't</p> <p>17 say Carrega's style wasn't offensive to others.</p> <p>18 He has many years of experience at this point</p> <p>19 interviewing people. I'd have to watch a video</p> <p>20 again of his style to recall back 12 years ago if</p> <p>21 it was drastically different than mine or</p> <p>22 Detective Hadley. I know we were all meshing up</p> <p>23 together to do an interview.</p> <p>24 Q. You don't really remember, though,</p> <p>25 what the differences were between your style and</p>
<p>Tietjen - Direct/Bonjean Page 126</p> <p>1 write a report, that's on him. I knew what my</p> <p>2 responsible part was, and I found out the day of</p> <p>3 Miranda that no such report was written, so...</p> <p>4 Q. Okay. You also interviewed Floria</p> <p>5 McDowell; right?</p> <p>6 A. Yes.</p> <p>7 Q. And I'm on page, I guess it's 5 of</p> <p>8 your report, Bates stamped ECPO 1347. Do you see</p> <p>9 that?</p> <p>10 A. Um-hum.</p> <p>11 Q. And, again, would this have been</p> <p>12 Carrega taking the lead in this interview?</p> <p>13 A. No, this one is one that I documented.</p> <p>14 Q. Um-hum. Does that mean that you</p> <p>15 documented it, you took the lead in documenting it,</p> <p>16 or you took the lead in actually conducting the</p> <p>17 interview, or one had nothing to do with the other?</p> <p>18 A. I would say they had nothing to do with the</p> <p>19 another.</p> <p>20 Q. But because Lieutenant Carrega was</p> <p>21 present for this interview, would that lead you to</p> <p>22 believe that he actually took the lead in</p> <p>23 interviewing Ms. McDowell?</p> <p>24 A. Yes.</p> <p>25 Q. How would you describe Lieutenant</p>	<p>Tietjen - Direct/Bonjean Page 128</p> <p>1 his style; correct?</p> <p>2 A. No.</p> <p>3 Q. Now, and during this interview, you</p> <p>4 were able to confirm some of the facts that he had</p> <p>5 previously reported to detectives back in the '70s</p> <p>6 and then even in the '90s, I believe; right?</p> <p>7 A. Yes.</p> <p>8 Q. And one was that she had recovered</p> <p>9 marijuana from her son's room; right?</p> <p>10 A. Yes.</p> <p>11 Q. Just, I want to make sure I got this</p> <p>12 right. Floria McDowell's son was Mike McDowell?</p> <p>13 A. No, Alvin Turner.</p> <p>14 Q. Alvin Turner. Yeah, I always get</p> <p>15 that mixed up, because you'd think the name is the</p> <p>16 same. But anyway, it was Alvin that was her son;</p> <p>17 right?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. I'm going to draw your</p> <p>20 attention to -- and this is the situation where the</p> <p>21 niece had recovered the marijuana from his room and</p> <p>22 handed it over to the Newark Police Department at</p> <p>23 the time; right?</p> <p>24 A. Yes.</p> <p>25 Q. All right. And as we indicated</p>

<p>Tietjen - Direct/Bonjean Page 129</p> <p>1 earlier, she was unable to say how long that</p> <p>2 marijuana had been in the house; right?</p> <p>3 A. I don't recall. I don't believe she had a</p> <p>4 time.</p> <p>5 Q. Well, you would agree that if it had</p> <p>6 been in the house for a month --</p> <p>7 A. Well, she didn't know how long it was in</p> <p>8 the house.</p> <p>9 Q. Right. That's what I said. If she</p> <p>10 didn't know, then she wouldn't know how long it was</p> <p>11 there; correct?</p> <p>12 A. Yes.</p> <p>13 Q. So, you, therefore, and the</p> <p>14 detectives back in 1978, had no idea whether that</p> <p>15 was the same marijuana that was allegedly stolen</p> <p>16 from Lee Evans' house; correct?</p> <p>17 A. Right.</p> <p>18 Q. And it wasn't unusual for teenagers</p> <p>19 to have marijuana even in the 1970s; can we agree</p> <p>20 on that?</p> <p>21 A. I don't know these boys, so I don't know.</p> <p>22 Q. I'm not talking about these boys</p> <p>23 specifically. I'm saying it wasn't unusual in the</p> <p>24 '70s for teenagers to possess marijuana; correct?</p> <p>25 A. I don't know how -- I'm six at the time,</p>	<p>Tietjen - Direct/Bonjean Page 131</p> <p>1 that correct?</p> <p>2 A. Yes.</p> <p>3 Q. And this is someone who had a gun,</p> <p>4 according to her?</p> <p>5 A. Yes.</p> <p>6 Q. What efforts did you -- what</p> <p>7 investigative efforts did you take to find out who</p> <p>8 that person was that came to the door with a gun on</p> <p>9 the day that Alvin went missing?</p> <p>10 A. We asked Lillie -- or Floria McDowell about</p> <p>11 how Alvin was with the individual, and she</p> <p>12 indicated he wasn't fearful of the individual with</p> <p>13 the gun. So was it necessarily a threat to him?</p> <p>14 No, she didn't feel that way. We then went and</p> <p>15 spoke to Lillie Williams as well about individuals</p> <p>16 she may have been involved with, whether it be her</p> <p>17 husband at the time, or if she was involved with</p> <p>18 another male, and then --</p> <p>19 (Reported requested clarification.)</p> <p>20 A. Yeah, who she was involved with at the</p> <p>21 time. Whether it was her husband, it's Nelson</p> <p>22 Williams, or another male. And then it was, I</p> <p>23 believe the name was Nelson Williams, was located</p> <p>24 at a senior housing complex in Newark, and Agent</p> <p>25 Eutsey and Lieutenant Carrega interviewed him</p>
<p>Tietjen - Direct/Bonjean Page 130</p> <p>1 you know. I'm don't know teens back then so --</p> <p>2 Q. Fair enough.</p> <p>3 A. Like, I'm going to go with that. Like, I</p> <p>4 don't know Newark in 1978.</p> <p>5 Q. All right. Fair. Fair. Fair</p> <p>6 enough.</p> <p>7 Now, Mrs. McDowell also advised in</p> <p>8 your interview that there was a black man that</p> <p>9 "came to her residence on the day Alvin went</p> <p>10 missing and spoke with Alvin at the front door."</p> <p>11 Right?</p> <p>12 A. Correct.</p> <p>13 Q. And she "observed what she thought</p> <p>14 was a handgun in the man's front pant's pocket.</p> <p>15 She thought that the man looked like a friend of</p> <p>16 Lillie Williams, mother of Melvin Pittman, but she</p> <p>17 was not sure and she did not know his name."</p> <p>18 Do you remember that?</p> <p>19 A. Yes.</p> <p>20 Q. And you and your colleagues showed</p> <p>21 her a picture of Philander Hampton; right?</p> <p>22 A. Correct.</p> <p>23 Q. And she was unable to identify him as</p> <p>24 the person who was at the front door talking to</p> <p>25 Alvin on the day Alvin went missing; right? Is</p>	<p>Tietjen - Direct/Bonjean Page 132</p> <p>1 there, and he denied, as far as I know, any</p> <p>2 involvement with being that person at the front</p> <p>3 door. Beyond that, just as in 1978, that person</p> <p>4 was never identified.</p> <p>5 Q. So you and your predecessors were</p> <p>6 never able to identify the individual who came to</p> <p>7 the door of Floria McDowell's residence with a</p> <p>8 handgun and spoke to her son Alvin; correct?</p> <p>9 A. With what she thought was a handgun in his</p> <p>10 pocket, which you can surmise from there that how</p> <p>11 good is she at identifying a handgun in a pocket</p> <p>12 or not, so it's -- you know, we're going to play</p> <p>13 back to that. So that person was never identified</p> <p>14 who may have potentially had a handgun in his</p> <p>15 pocket.</p> <p>16 Q. Right. You're quick to -- you're</p> <p>17 quick to dispel any significance of this handgun,</p> <p>18 because you said she thought it was, but I guess my</p> <p>19 questions are really just more simple. Did you</p> <p>20 ever find out who that person was?</p> <p>21 A. No.</p> <p>22 Q. And apart from talking to Lillie</p> <p>23 Williams and any men she may have been linked to,</p> <p>24 were you able to develop any other information that</p> <p>25 might shed some light on who that person was?</p>

<p>Tietjen - Direct/Bonjean Page 141</p> <p>1 was there.</p> <p>2 Q. So is it your testimony that you did</p> <p>3 ask other witnesses in your investigation whether</p> <p>4 or not Bob Cutler may have been the Bob, or whether</p> <p>5 there was any reason to believe he was the Bob that</p> <p>6 had come to the front door of the family?</p> <p>7 A. To the best of my recollection, I believe</p> <p>8 we did.</p> <p>9 Q. Now, Mr. Taylor also advised that he</p> <p>10 had heard that Maurice Olds and an unknown cousin</p> <p>11 had washed bloody clothing in Lee Evans' building</p> <p>12 after the boys went missing?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. I'm assuming that was a bit of</p> <p>15 information that you wanted to try to get to the</p> <p>16 bottom of? Yeah?</p> <p>17 A. Yes.</p> <p>18 Q. But Maurice Olds was dead.</p> <p>19 Mr. Taylor, though, did he -- did he say whether or</p> <p>20 not he had conveyed that information to anybody</p> <p>21 else previously to speaking to you?</p> <p>22 A. I do not recall.</p> <p>23 Q. Did you find it odd that this bit of</p> <p>24 information was being shared, you know, I don't</p> <p>25 know, 2008, rather than at any prior date?</p>	<p>Tietjen - Direct/Bonjean Page 143</p> <p>1 dead, and Lee Evans has the motive as best we know</p> <p>2 at this point to be the one committing that act.</p> <p>3 I have no clue at this point how they would have</p> <p>4 disappeared, whether -- it could have been</p> <p>5 anything.</p> <p>6 Q. Right. I know at this point you had</p> <p>7 no idea, and this would have been an important bit</p> <p>8 of information to try to flesh out.</p> <p>9 What I'm saying, though, is that now</p> <p>10 in hindsight, your theory of the case once you</p> <p>11 cleared and closed this case wouldn't have been</p> <p>12 consistent with this fact; right?</p> <p>13 A. I don't know if I would say that.</p> <p>14 Q. Okay. So --</p> <p>15 A. Because I -- people tell you tidbits of</p> <p>16 case facts and leave out others. Like, I wouldn't</p> <p>17 be surprised if the boys were beat before they</p> <p>18 were put in that closet, which would then infer</p> <p>19 blood on clothing, which would then infer somebody</p> <p>20 had to clean clothing, so that was not far off</p> <p>21 from anything that was provided to us.</p> <p>22 Q. So you think the killer would clean</p> <p>23 the clothing even though they intend to burn the</p> <p>24 building down?</p> <p>25 MR. LIPSHUTZ: Objection to form.</p>
<p>Tietjen - Direct/Bonjean Page 142</p> <p>1 A. I don't know if it was provided prior. I</p> <p>2 mean, I don't know.</p> <p>3 Q. You don't know now, or do you know</p> <p>4 whether you looked or tried to find out whether</p> <p>5 that was information that was provided back at the</p> <p>6 time of the initial investigation?</p> <p>7 A. I don't know if in 2008 I took that</p> <p>8 information and looked through all the pages to</p> <p>9 see if it was provided previously. I know that he</p> <p>10 didn't know who the other cousin was, and Maurice</p> <p>11 Olds was dead. It's of interest to me, and it's</p> <p>12 another piece of information that I hoped if we</p> <p>13 interviewed somebody that they would be able to</p> <p>14 discuss that. Like maybe Phil Hampton was the</p> <p>15 cousin, because he's Lee Evans cousin as well, it</p> <p>16 turns out, so, you know...</p> <p>17 Q. But you weren't ever able to confirm</p> <p>18 that bit of information; were you?</p> <p>19 A. No.</p> <p>20 Q. And, in fact, your theory of the</p> <p>21 case, it wouldn't even be consistent with your</p> <p>22 theory of the case; right?</p> <p>23 A. How would that be said? Like, I have no</p> <p>24 clue at this point of the interview how they met</p> <p>25 their demise. My theory at this point is they're</p>	<p>Tietjen - Direct/Bonjean Page 144</p> <p>1 A. People do crazy things. Like, you know,</p> <p>2 who wants to give up their jeans?</p> <p>3 Q. I mean, yeah, people do crazy things,</p> <p>4 but I mean, you know, as an investigator, you</p> <p>5 got -- you still have to use logic, right, to say,</p> <p>6 you know --</p> <p>7 A. I have to use logic and say everything is</p> <p>8 possible. If the clothing was there, and they got</p> <p>9 it bloody, we didn't have DNA back then, so</p> <p>10 they're going to clean the clothes and not go buy</p> <p>11 new clothes. They're going to reuse the clothes,</p> <p>12 and that's a normal inference.</p> <p>13 Q. So you -- I just want to be clear on</p> <p>14 something. Even though -- I'm not here to squabble</p> <p>15 with you, Detective, Oh, anything is possible.</p> <p>16 Sure, the world is full of freaky people. Anything</p> <p>17 is possible. But as a detective, you're looking at</p> <p>18 logic and possibilities and trying to put together</p> <p>19 a narrative that holds together, that makes sense;</p> <p>20 right?</p> <p>21 A. We're going with where the information</p> <p>22 provided us leads us. I'm not going to leave out</p> <p>23 information about this clothing because that's a</p> <p>24 potential aspect. If Lee Evans decided to talk</p> <p>25 and said that Phil washed our clothing in the</p>

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<p>Tietjen - Direct/Bonjean Page 145</p> <p>1 basement with Maurine Olds after the fact, that 2 would be very important. And I don't doubt there 3 would be blood potentially on their clothing with 4 whatever happened in the house. 5 Q. I understand that. I'm trying to 6 make a different point that I'm trying to see if 7 you agree with. 8 I understand at the time that you 9 received this information, it was very important, 10 and you would -- I would expect, anybody would 11 expect you, to put it in here. But can you agree 12 that this statement doesn't seem -- it's possible, 13 but it doesn't seem likely to be true if the person 14 who did this burned the children in a home, which 15 is what Philander Hampton says, which is the theory 16 you all went with, unless they stripped them down 17 and took their clothes; right? I mean, it doesn't 18 match the Philander Hampton story; does it? 19 MR. LIPSHUTZ: Objection. Lacks 20 foundation. 21 MR. VOMACKA: Objection to the form 22 and foundation, but you can answer. 23 Q. Is this statement consistent with 24 what Philander Hampton said happened? 25 A. No.</p>	<p>Tietjen - Direct/Bonjean Page 147</p> <p>1 p.m. Off the record. 2 (Break taken.) 3 THE VIDEOGRAPHER: The time is 1:27 4 p.m. This begins DVD number three. Back on the 5 record. 6 Q. Sergeant Tietjen, so I want to keep 7 moving through your investigative work on this 8 case, but I do want to confirm that Rogers Taylor, 9 or Taylor Rogers -- I guess it's Rogers Taylor, or 10 maybe it's just Roger, but in any event, you were 11 unable to verify any information that he provided 12 to you that demonstrated that Lee had any role in 13 the disappearance of the young boys; correct? 14 A. Well, Phil Hampton provides information 15 that Lee was involved that verifies that Rogers 16 Taylor said he was involved. 17 (Reporter requests clarification.) 18 A. I said Philander Hampton verified Lee 19 Evans' involvement with him, which verified Rogers 20 Taylor telling us that Lee Evans is involved in 21 their death and disappearance. 22 Q. Okay. But Mr. Taylor had no 23 firsthand knowledge of Lee Evans' involvement? 24 A. No. You asked me if I was able to verify 25 that Roger Taylor said that Lee Evans was</p>
<p>Tietjen - Direct/Bonjean Page 146</p> <p>1 Q. Okay. That's all. You would agree 2 with that; correct? 3 A. Correct. 4 Q. And Philander Hampton is the theory 5 that the investigative team and the prosecution 6 ultimately adopted and embraced; correct? 7 (Connectivity issues.) 8 MR. LIPSHUTZ: Well, I can't hear 9 you, but he obviously froze. 10 MR. VOMACKA: Looks like the camera 11 froze. 12 A. I got disconnected there. 13 Q. Do you need a break, or are we good? 14 A. It just stopped mid-thought from you, and 15 it like rebooted. 16 Q. No, no problem. It happens to all of 17 us. I'm asking now a different question. If you 18 feel like you would like to take a five-minute 19 break? 20 MS. BONJEAN: Anybody else? 21 THE VIDEOGRAPHER: Let me change the 22 media, so it would be a good time to take a break. 23 MS. BONJEAN: Okay. We're going to 24 change the media. We'll take a break. 25 THE VIDEOGRAPHER: The time is 1:14</p>	<p>Tietjen - Direct/Bonjean Page 148</p> <p>1 responsible for their murder; correct? 2 Q. My question was different. Mr. 3 Taylor gave you no facts, he gave you an opinion, 4 his belief -- 5 A. Yes. 6 Q. -- his hunch; right? 7 A. Yes. 8 Q. And a hunch that you quote, 9 allegedly, believe turned out to be true -- 10 although a jury disagreed -- but in any event, he 11 provided you no facts as to Lee Evans' involvement, 12 any facts that turned out to be true and 13 verifiable; right? 14 A. Yes. 15 MR. VOMACKA: Objection to the form. 16 Q. His drug distribution lead went 17 nowhere; right? 18 A. Yes. 19 Q. And this business about hearing that 20 Maurice and another cousin was washing bloody 21 clothes in Lee Evans' building, that was never 22 verified; correct? 23 A. Correct. 24 Q. And, in fact, it contradicts 25 Philander Hampton's statement; correct?</p>

<p>Tietjen - Direct/Bonjean Page 149</p> <p>1 A. We don't know what that was in relation to 2 either, so that could be another aspect of it as 3 well. I'm not going to say it contradicts 4 Philander Hampton's -- his information is open for 5 other facts that we presented on that information 6 that could have brought that into it as well, or 7 was that -- or he had bloody clothes from another 8 fight that somebody got into. 9 Q. Right. It could be -- 10 A. It could be anything. 11 Q. Right. But I'm not interested in 12 anything. I'm interested in facts that support 13 this theory that Lee Evans was involved. And I 14 don't understand one thing about what you just 15 said. Maybe you can clear it up. 16 Philander Hampton testified in his 17 statement that he put the boys in a closet or a 18 room inside that apartment building; right? 19 A. Correct. 20 Q. And that they were alive when they 21 put them in there; right? 22 A. Yes. 23 Q. And that they used a nail to lock 24 them in there; right? 25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 151</p> <p>1 We don't know where it is. The hope is that 2 someone would provide information to us to include 3 or dis-clude [sic] or un-include [sic] that 4 information in there. So we're back going around 5 this circle 10 million times. 6 Q. Yeah. You're trying to tell me your 7 take on it, and I'm not asking for your take. I'm 8 asking a very specific question. 9 This fact that you've included in 10 your report ultimately does not mesh or link up in 11 any way to Philander's statement? That's it; 12 right? 13 A. Right. 14 MR. VOMACKA: Objection to the form. 15 You can answer. 16 Q. I know there is a world of 17 possibilities out there, but I was simply trying to 18 establish that this statement actually is not 19 consistent with anything that Philander told you 20 about what happened that night; right? 21 MR. VOMACKA: Again, objection to the 22 form. 23 Q. That's correct; correct? 24 A. Yes. 25 Q. All right. And, again, there was --</p>
<p>Tietjen - Direct/Bonjean Page 150</p> <p>1 Q. That is not consistent with doing 2 anything to the boys that would cause their 3 clothing to be bloody and then stripped off their 4 bodies and brought to be washed somewhere else; 5 right? 6 MR. LIPSHUTZ: Objection. 7 A. It doesn't say here anywhere that clothing 8 was stripped off the victims' bodies. It just 9 says that bloody clothes, whether they're Lee 10 Evans' and Phil Hamptons' clothes, Maurice Olds' 11 and the cousins' clothes, that they were washed. 12 Q. Got it. Understood. So now there's 13 a theory that you think is possible that Lee Evans 14 and his cousins had bloody clothing that they 15 washed; is that right? 16 MR. VOMACKA: Objection to the form. 17 MR. LIPSHUTZ: Objection to the form. 18 Q. Correct? 19 A. Yes. 20 Q. But Philander Hampton didn't give you 21 any information that would corroborate that there 22 was anything that happened that involved their 23 clothing getting bloody; right? 24 A. You're not understanding the point of the 25 bloody clothing. We don't know what day that is.</p>	<p>Tietjen - Direct/Bonjean Page 152</p> <p>1 on this June date, Nelson Williams was identified 2 and interviewed by Lieutenant Carrega and Agent 3 Eutsey on June 10th. Were you present for that 4 interview? 5 A. No, I was not. 6 Q. And how is it that you obtained 7 information about that interview? 8 A. I was outside of that apartment complex in 9 the vehicle. 10 Q. Okay. So you were on scene, but you 11 didn't participate in the interview? 12 A. Yes. 13 Q. And this interview didn't yield any 14 useful information; correct? 15 MR. VOMACKA: Objection to the form. 16 You can answer. 17 A. Yes. 18 Q. And when I say useful, I mean it 19 didn't shed any light on who was responsible for 20 the boys' disappearance; right? 21 A. Well, the question there was, was he the 22 one at the door with supposedly the gun in his 23 pocket. It didn't identify that. 24 Q. It didn't identify anything; correct? 25 A. Correct.</p>

<p>Tietjen - Direct/Bonjean Page 153</p> <p>1 Q. And he denied being any type of 2 associate with Lee Evans; right? 3 A. I believe so, yes. 4 Q. So, if we wanted to know more, we 5 would just have to go to Lieutenant Carrega's 6 report; correct? 7 A. Oh, yeah. 8 Q. But that report does not exist; 9 right? 10 A. Correct. 11 Q. All right. Moving on, you 12 interviewed Kathy Turner, and she was a cousin of 13 Alvin Turner; correct? 14 A. Yes. 15 Q. And this was the woman, or the young 16 woman, I think, at the time who obtained the 17 marijuana from her cousin's room; is that right? 18 A. Yes. 19 Q. All right. And it was a paper bag a 20 third full of marijuana. That doesn't sound like a 21 pound to you; does it? 22 A. It depends on the size of the paper bag. 23 Q. I suppose. 24 A. Which we didn't ask. But there's reporting 25 here that they split it up. So that's a pretty</p>	<p>Tietjen - Direct/Bonjean Page 155</p> <p>1 corroborate that Alvin had marijuana, but that was 2 the extent of her ability to shed light on what 3 happened that evening? 4 A. Well, she also corroborated that she saw 5 him alive at 8 o'clock at night. 6 Q. Able to corroborate the day after he 7 went missing; right? 8 A. Yes. 9 Q. I think you also interviewed Sarah 10 Johnson, and you yourself admitted that she had 11 nothing to add to this investigation; right? 12 A. Yes. She was not in well health, and we 13 met with her family, and she was simply just to 14 provide a DNA sample. 15 Q. Talk to me about your meeting with 16 Bob Cutler. Where did that take place? 17 A. That took place at the Essex County 18 Prosecutor's Office. 19 Q. And how did that interview take 20 place? 21 A. How he was brought there or -- 22 Q. Yeah. 23 A. A DOC guard, I guess the DOC guard 24 transported him there. I don't know what 25 paperwork was done to request that.</p>
<p>Tietjen - Direct/Bonjean Page 154</p> <p>1 significant amount of marijuana, if you're one of 2 five who split up marijuana. 3 Q. Right. But this is all secondhand 4 information; right? 5 A. Certainly. She saw it. She stated she saw 6 the bag. 7 Q. But back to the point earlier, no one 8 can say where this marijuana came from; right? 9 A. Correct. 10 Q. Okay. I know what the working theory 11 is, but there was no way to establish where the 12 marijuana came from; you would agree with that? Is 13 that a yes? 14 A. Yes. 15 Q. And apparently, she told -- or Alvin 16 told her that he was in some type of trouble; 17 correct? 18 A. I believe so, correct, yes. 19 Q. And the last time she saw him was at 20 8 o'clock that night? 21 A. Yes. 22 Q. And she didn't say the last time she 23 saw him was with Lee Evans; right? 24 A. Correct. 25 Q. So Ms. Turner was able to, I guess,</p>	<p>Tietjen - Direct/Bonjean Page 156</p> <p>1 Q. Well, he was in custody; is that 2 correct? 3 A. Correct. 4 Q. And what authority did law 5 enforcement have to bring witnesses, move witnesses 6 for interviews? 7 MR. VOMACKA: Objection to the form, 8 but you can answer. 9 A. I don't know what paperwork had to be 10 generated or approvals to get him out of a NJDOC 11 facility and transport him to Essex County for the 12 interview. 13 Q. You don't know what the process was? 14 A. No. 15 Q. Is it your understanding that that's 16 a lawful thing to do? 17 A. It's a what? 18 Q. Is it your understanding that that is 19 a lawful thing to do? 20 A. Yes. 21 Q. Based on what? 22 A. I had no reason to not believe it wasn't 23 lawful. 24 Q. Well, would you agree that witnesses 25 don't have an obligation to speak to you?</p>

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<p>Tietjen - Direct/Bonjean Page 157</p> <p>1 A. Correct.</p> <p>2 Q. Okay. And if he's being moved</p> <p>3 against -- you know, without input into whether</p> <p>4 he's -- he's a prisoner; right?</p> <p>5 A. Correct.</p> <p>6 Q. His movement is dependent on third</p> <p>7 parties? He doesn't get to decide where he goes or</p> <p>8 when he goes; right?</p> <p>9 MR. VOMACKA: Objection to the form,</p> <p>10 but you can answer.</p> <p>11 A. I don't know what preempted his movement,</p> <p>12 whether he had to agree, whether he had to sign a</p> <p>13 waiver. Like I said before, I don't know how he</p> <p>14 was transported there. I know he was transported</p> <p>15 by DOC, but I don't know what led to that.</p> <p>16 Q. Do you know whether or not there was</p> <p>17 consent on his part with knowledge and</p> <p>18 understanding of why he was being moved from the</p> <p>19 Department of Corrections to the Essex County</p> <p>20 Prosecutor's Office prior to this interview?</p> <p>21 MR. VOMACKA: Objection to the form.</p> <p>22 You can answer.</p> <p>23 A. Like I said before, I don't know anything</p> <p>24 about his movement to the facility. He never</p> <p>25 appeared to be there outside of his own consent in</p>	<p>Tietjen - Direct/Bonjean Page 159</p> <p>1 throughout, and I think it was an attempt to show</p> <p>2 that there's others who care about this case</p> <p>3 actively involved with the hope that, you know, he</p> <p>4 might like one of us, and he might want to share</p> <p>5 some other information that had not yet been</p> <p>6 gleaned in this case.</p> <p>7 Q. Did you view Bob Cutler as a</p> <p>8 potential suspect?</p> <p>9 A. Not during this, but I think I keep my</p> <p>10 thoughts always open. I mean he was a young man</p> <p>11 at the time, and I don't think he was going to</p> <p>12 kill five boys. He would be like a real low, low</p> <p>13 level, if he was going to kill them.</p> <p>14 Q. You think that he was -- I'm sorry --</p> <p>15 because of his age, he --</p> <p>16 A. No. I said I would always be open-minded.</p> <p>17 If events or facts took us that way, I wouldn't</p> <p>18 exclude that, but the facts did not present to</p> <p>19 that.</p> <p>20 Q. Well, did you ask him about</p> <p>21 inconsistencies in his first statements to the</p> <p>22 police and then his subsequent statements to the</p> <p>23 police?</p> <p>24 A. I believe that was -- I can't recall any --</p> <p>25 we went through a lot of things. We'd have to</p>
<p>Tietjen - Direct/Bonjean Page 158</p> <p>1 the interview.</p> <p>2 Q. Well, did you ask him whether he was</p> <p>3 there because he had been informed of the purpose</p> <p>4 of the --</p> <p>5 A. No. No, I did not ask him.</p> <p>6 Q. And what did you recall about this</p> <p>7 interview with Bob Cutler, if anything?</p> <p>8 A. He went over plenty of things historical.</p> <p>9 Argued that they had Lee Evans as their suspect,</p> <p>10 you know, from like day one on. Was rather upset</p> <p>11 with police work throughout it. Did not provide</p> <p>12 anything that changed statements he made</p> <p>13 previously. He seemed very annoyed at law</p> <p>14 enforcement's response through the years to this</p> <p>15 case. He had previously spoken with law</p> <p>16 enforcement several times. You know, we spent</p> <p>17 some serious amount of time with him. He was</p> <p>18 hopeful for a resolution.</p> <p>19 Q. What was the purpose in interviewing</p> <p>20 Bob Cutler?</p> <p>21 A. Seeing if he had additional information or</p> <p>22 was willing to make additional statements that he</p> <p>23 had not made before. I know they had interviewed</p> <p>24 him previous to my ever involvement in this, and</p> <p>25 he had been interviewed by the law enforcement</p>	<p>Tietjen - Direct/Bonjean Page 160</p> <p>1 refer to transcripts. You'd have to actually</p> <p>2 listen to the tape to see who's asking the</p> <p>3 questions. I know some of the questions in there</p> <p>4 are certain people because I know we had certain</p> <p>5 things. But I think we went over some statements</p> <p>6 he made previously and a lot of him to just</p> <p>7 discuss and go over. A lot of it was spent on</p> <p>8 what he thought was, like, law enforcement doing</p> <p>9 wrong, or that we had Lee --</p> <p>10 Q. Well, he had a lot of opinions;</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. He didn't have a lot of facts,</p> <p>14 though; did he?</p> <p>15 A. Correct.</p> <p>16 Q. He had a strong opinion that Lee was</p> <p>17 involved, but he wasn't really able to provide you</p> <p>18 with any factual basis to support a theory that Lee</p> <p>19 was responsible for the boys' disappearance; right?</p> <p>20 A. Yes.</p> <p>21 MR. LIPSHUTZ: Objection to the form.</p> <p>22 Q. He had some street rumors and that</p> <p>23 type of thing; correct?</p> <p>24 A. Yes.</p> <p>25 Q. He couldn't even tell you when the</p>

<p>Tietjen - Direct/Bonjean Page 141</p> <p>1 was there.</p> <p>2 Q. So is it your testimony that you did</p> <p>3 ask other witnesses in your investigation whether</p> <p>4 or not Bob Cutler may have been the Bob, or whether</p> <p>5 there was any reason to believe he was the Bob that</p> <p>6 had come to the front door of the family?</p> <p>7 A. To the best of my recollection, I believe</p> <p>8 we did.</p> <p>9 Q. Now, Mr. Taylor also advised that he</p> <p>10 had heard that Maurice Olds and an unknown cousin</p> <p>11 had washed bloody clothing in Lee Evans' building</p> <p>12 after the boys went missing?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. I'm assuming that was a bit of</p> <p>15 information that you wanted to try to get to the</p> <p>16 bottom of? Yeah?</p> <p>17 A. Yes.</p> <p>18 Q. But Maurice Olds was dead.</p> <p>19 Mr. Taylor, though, did he -- did he say whether or</p> <p>20 not he had conveyed that information to anybody</p> <p>21 else previously to speaking to you?</p> <p>22 A. I do not recall.</p> <p>23 Q. Did you find it odd that this bit of</p> <p>24 information was being shared, you know, I don't</p> <p>25 know, 2008, rather than at any prior date?</p>	<p>Tietjen - Direct/Bonjean Page 143</p> <p>1 dead, and Lee Evans has the motive as best we know</p> <p>2 at this point to be the one committing that act.</p> <p>3 I have no clue at this point how they would have</p> <p>4 disappeared, whether -- it could have been</p> <p>5 anything.</p> <p>6 Q. Right. I know at this point you had</p> <p>7 no idea, and this would have been an important bit</p> <p>8 of information to try to flesh out.</p> <p>9 What I'm saying, though, is that now</p> <p>10 in hindsight, your theory of the case once you</p> <p>11 cleared and closed this case wouldn't have been</p> <p>12 consistent with this fact; right?</p> <p>13 A. I don't know if I would say that.</p> <p>14 Q. Okay. So --</p> <p>15 A. Because I -- people tell you tidbits of</p> <p>16 case facts and leave out others. Like, I wouldn't</p> <p>17 be surprised if the boys were beat before they</p> <p>18 were put in that closet, which would then infer</p> <p>19 blood on clothing, which would then infer somebody</p> <p>20 had to clean clothing, so that was not far off</p> <p>21 from anything that was provided to us.</p> <p>22 Q. So you think the killer would clean</p> <p>23 the clothing even though they intend to burn the</p> <p>24 building down?</p> <p>25 MR. LIPSHUTZ: Objection to form.</p>
<p>Tietjen - Direct/Bonjean Page 142</p> <p>1 A. I don't know if it was provided prior. I</p> <p>2 mean, I don't know.</p> <p>3 Q. You don't know now, or do you know</p> <p>4 whether you looked or tried to find out whether</p> <p>5 that was information that was provided back at the</p> <p>6 time of the initial investigation?</p> <p>7 A. I don't know if in 2008 I took that</p> <p>8 information and looked through all the pages to</p> <p>9 see if it was provided previously. I know that he</p> <p>10 didn't know who the other cousin was, and Maurice</p> <p>11 Olds was dead. It's of interest to me, and it's</p> <p>12 another piece of information that I hoped if we</p> <p>13 interviewed somebody that they would be able to</p> <p>14 discuss that. Like maybe Phil Hampton was the</p> <p>15 cousin, because he's Lee Evans cousin as well, it</p> <p>16 turns out, so, you know...</p> <p>17 Q. But you weren't ever able to confirm</p> <p>18 that bit of information; were you?</p> <p>19 A. No.</p> <p>20 Q. And, in fact, your theory of the</p> <p>21 case, it wouldn't even be consistent with your</p> <p>22 theory of the case; right?</p> <p>23 A. How would that be said? Like, I have no</p> <p>24 clue at this point of the interview how they met</p> <p>25 their demise. My theory at this point is they're</p>	<p>Tietjen - Direct/Bonjean Page 144</p> <p>1 A. People do crazy things. Like, you know,</p> <p>2 who wants to give up their jeans?</p> <p>3 Q. I mean, yeah, people do crazy things,</p> <p>4 but I mean, you know, as an investigator, you</p> <p>5 got -- you still have to use logic, right, to say,</p> <p>6 you know --</p> <p>7 A. I have to use logic and say everything is</p> <p>8 possible. If the clothing was there, and they got</p> <p>9 it bloody, we didn't have DNA back then, so</p> <p>10 they're going to clean the clothes and not go buy</p> <p>11 new clothes. They're going to reuse the clothes,</p> <p>12 and that's a normal inference.</p> <p>13 Q. So you -- I just want to be clear on</p> <p>14 something. Even though -- I'm not here to squabble</p> <p>15 with you, Detective, Oh, anything is possible.</p> <p>16 Sure, the world is full of freaky people. Anything</p> <p>17 is possible. But as a detective, you're looking at</p> <p>18 logic and possibilities and trying to put together</p> <p>19 a narrative that holds together, that makes sense;</p> <p>20 right?</p> <p>21 A. We're going with where the information</p> <p>22 provided us leads us. I'm not going to leave out</p> <p>23 information about this clothing because that's a</p> <p>24 potential aspect. If Lee Evans decided to talk</p> <p>25 and said that Phil washed our clothing in the</p>

<p>Tietjen - Direct/Bonjean Page 145</p> <p>1 basement with Maurine Olds after the fact, that 2 would be very important. And I don't doubt there 3 would be blood potentially on their clothing with 4 whatever happened in the house. 5 Q. I understand that. I'm trying to 6 make a different point that I'm trying to see if 7 you agree with. 8 I understand at the time that you 9 received this information, it was very important, 10 and you would -- I would expect, anybody would 11 expect you, to put it in here. But can you agree 12 that this statement doesn't seem -- it's possible, 13 but it doesn't seem likely to be true if the person 14 who did this burned the children in a home, which 15 is what Philander Hampton says, which is the theory 16 you all went with, unless they stripped them down 17 and took their clothes; right? I mean, it doesn't 18 match the Philander Hampton story; does it? 19 MR. LIPSHUTZ: Objection. Lacks 20 foundation. 21 MR. VOMACKA: Objection to the form 22 and foundation, but you can answer. 23 Q. Is this statement consistent with 24 what Philander Hampton said happened? 25 A. No.</p>	<p>Tietjen - Direct/Bonjean Page 147</p> <p>1 p.m. Off the record. 2 (Break taken.) 3 THE VIDEOGRAPHER: The time is 1:27 4 p.m. This begins DVD number three. Back on the 5 record. 6 Q. Sergeant Tietjen, so I want to keep 7 moving through your investigative work on this 8 case, but I do want to confirm that Rogers Taylor, 9 or Taylor Rogers -- I guess it's Rogers Taylor, or 10 maybe it's just Roger, but in any event, you were 11 unable to verify any information that he provided 12 to you that demonstrated that Lee had any role in 13 the disappearance of the young boys; correct? 14 A. Well, Phil Hampton provides information 15 that Lee was involved that verifies that Rogers 16 Taylor said he was involved. 17 (Reporter requests clarification.) 18 A. I said Philander Hampton verified Lee 19 Evans' involvement with him, which verified Rogers 20 Taylor telling us that Lee Evans is involved in 21 their death and disappearance. 22 Q. Okay. But Mr. Taylor had no 23 firsthand knowledge of Lee Evans' involvement? 24 A. No. You asked me if I was able to verify 25 that Roger Taylor said that Lee Evans was</p>
<p>Tietjen - Direct/Bonjean Page 146</p> <p>1 Q. Okay. That's all. You would agree 2 with that; correct? 3 A. Correct. 4 Q. And Philander Hampton is the theory 5 that the investigative team and the prosecution 6 ultimately adopted and embraced; correct? 7 (Connectivity issues.) 8 MR. LIPSHUTZ: Well, I can't hear 9 you, but he obviously froze. 10 MR. VOMACKA: Looks like the camera 11 froze. 12 A. I got disconnected there. 13 Q. Do you need a break, or are we good? 14 A. It just stopped mid-thought from you, and 15 it like rebooted. 16 Q. No, no problem. It happens to all of 17 us. I'm asking now a different question. If you 18 feel like you would like to take a five-minute 19 break? 20 MS. BONJEAN: Anybody else? 21 THE VIDEOGRAPHER: Let me change the 22 media, so it would be a good time to take a break. 23 MS. BONJEAN: Okay. We're going to 24 change the media. We'll take a break. 25 THE VIDEOGRAPHER: The time is 1:14</p>	<p>Tietjen - Direct/Bonjean Page 148</p> <p>1 responsible for their murder; correct? 2 Q. My question was different. Mr. 3 Taylor gave you no facts, he gave you an opinion, 4 his belief -- 5 A. Yes. 6 Q. -- his hunch; right? 7 A. Yes. 8 Q. And a hunch that you quote, 9 allegedly, believe turned out to be true -- 10 although a jury disagreed -- but in any event, he 11 provided you no facts as to Lee Evans' involvement, 12 any facts that turned out to be true and 13 verifiable; right? 14 A. Yes. 15 MR. VOMACKA: Objection to the form. 16 Q. His drug distribution lead went 17 nowhere; right? 18 A. Yes. 19 Q. And this business about hearing that 20 Maurice and another cousin was washing bloody 21 clothes in Lee Evans' building, that was never 22 verified; correct? 23 A. Correct. 24 Q. And, in fact, it contradicts 25 Philander Hampton's statement; correct?</p>

<p>Tietjen - Direct/Bonjean Page 149</p> <p>1 A. We don't know what that was in relation to 2 either, so that could be another aspect of it as 3 well. I'm not going to say it contradicts 4 Philander Hampton's -- his information is open for 5 other facts that we presented on that information 6 that could have brought that into it as well, or 7 was that -- or he had bloody clothes from another 8 fight that somebody got into. 9 Q. Right. It could be -- 10 A. It could be anything. 11 Q. Right. But I'm not interested in 12 anything. I'm interested in facts that support 13 this theory that Lee Evans was involved. And I 14 don't understand one thing about what you just 15 said. Maybe you can clear it up. 16 Philander Hampton testified in his 17 statement that he put the boys in a closet or a 18 room inside that apartment building; right? 19 A. Correct. 20 Q. And that they were alive when they 21 put them in there; right? 22 A. Yes. 23 Q. And that they used a nail to lock 24 them in there; right? 25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 151</p> <p>1 We don't know where it is. The hope is that 2 someone would provide information to us to include 3 or dis-clude [sic] or un-include [sic] that 4 information in there. So we're back going around 5 this circle 10 million times. 6 Q. Yeah. You're trying to tell me your 7 take on it, and I'm not asking for your take. I'm 8 asking a very specific question. 9 This fact that you've included in 10 your report ultimately does not mesh or link up in 11 any way to Philander's statement? That's it; 12 right? 13 A. Right. 14 MR. VOMACKA: Objection to the form. 15 You can answer. 16 Q. I know there is a world of 17 possibilities out there, but I was simply trying to 18 establish that this statement actually is not 19 consistent with anything that Philander told you 20 about what happened that night; right? 21 MR. VOMACKA: Again, objection to the 22 form. 23 Q. That's correct; correct? 24 A. Yes. 25 Q. All right. And, again, there was --</p>
<p>Tietjen - Direct/Bonjean Page 150</p> <p>1 Q. That is not consistent with doing 2 anything to the boys that would cause their 3 clothing to be bloody and then stripped off their 4 bodies and brought to be washed somewhere else; 5 right? 6 MR. LIPSHUTZ: Objection. 7 A. It doesn't say here anywhere that clothing 8 was stripped off the victims' bodies. It just 9 says that bloody clothes, whether they're Lee 10 Evans' and Phil Hamptons' clothes, Maurice Olds' 11 and the cousins' clothes, that they were washed. 12 Q. Got it. Understood. So now there's 13 a theory that you think is possible that Lee Evans 14 and his cousins had bloody clothing that they 15 washed; is that right? 16 MR. VOMACKA: Objection to the form. 17 MR. LIPSHUTZ: Objection to the form. 18 Q. Correct? 19 A. Yes. 20 Q. But Philander Hampton didn't give you 21 any information that would corroborate that there 22 was anything that happened that involved their 23 clothing getting bloody; right? 24 A. You're not understanding the point of the 25 bloody clothing. We don't know what day that is.</p>	<p>Tietjen - Direct/Bonjean Page 152</p> <p>1 on this June date, Nelson Williams was identified 2 and interviewed by Lieutenant Carrega and Agent 3 Eutsey on June 10th. Were you present for that 4 interview? 5 A. No, I was not. 6 Q. And how is it that you obtained 7 information about that interview? 8 A. I was outside of that apartment complex in 9 the vehicle. 10 Q. Okay. So you were on scene, but you 11 didn't participate in the interview? 12 A. Yes. 13 Q. And this interview didn't yield any 14 useful information; correct? 15 MR. VOMACKA: Objection to the form. 16 You can answer. 17 A. Yes. 18 Q. And when I say useful, I mean it 19 didn't shed any light on who was responsible for 20 the boys' disappearance; right? 21 A. Well, the question there was, was he the 22 one at the door with supposedly the gun in his 23 pocket. It didn't identify that. 24 Q. It didn't identify anything; correct? 25 A. Correct.</p>

<p>Tietjen - Direct/Bonjean Page 153</p> <p>1 Q. And he denied being any type of 2 associate with Lee Evans; right? 3 A. I believe so, yes. 4 Q. So, if we wanted to know more, we 5 would just have to go to Lieutenant Carrega's 6 report; correct? 7 A. Oh, yeah. 8 Q. But that report does not exist; 9 right? 10 A. Correct. 11 Q. All right. Moving on, you 12 interviewed Kathy Turner, and she was a cousin of 13 Alvin Turner; correct? 14 A. Yes. 15 Q. And this was the woman, or the young 16 woman, I think, at the time who obtained the 17 marijuana from her cousin's room; is that right? 18 A. Yes. 19 Q. All right. And it was a paper bag a 20 third full of marijuana. That doesn't sound like a 21 pound to you; does it? 22 A. It depends on the size of the paper bag. 23 Q. I suppose. 24 A. Which we didn't ask. But there's reporting 25 here that they split it up. So that's a pretty</p>	<p>Tietjen - Direct/Bonjean Page 155</p> <p>1 corroborate that Alvin had marijuana, but that was 2 the extent of her ability to shed light on what 3 happened that evening? 4 A. Well, she also corroborated that she saw 5 him alive at 8 o'clock at night. 6 Q. Able to corroborate the day after he 7 went missing; right? 8 A. Yes. 9 Q. I think you also interviewed Sarah 10 Johnson, and you yourself admitted that she had 11 nothing to add to this investigation; right? 12 A. Yes. She was not in well health, and we 13 met with her family, and she was simply just to 14 provide a DNA sample. 15 Q. Talk to me about your meeting with 16 Bob Cutler. Where did that take place? 17 A. That took place at the Essex County 18 Prosecutor's Office. 19 Q. And how did that interview take 20 place? 21 A. How he was brought there or -- 22 Q. Yeah. 23 A. A DOC guard, I guess the DOC guard 24 transported him there. I don't know what 25 paperwork was done to request that.</p>
<p>Tietjen - Direct/Bonjean Page 154</p> <p>1 significant amount of marijuana, if you're one of 2 five who split up marijuana. 3 Q. Right. But this is all secondhand 4 information; right? 5 A. Certainly. She saw it. She stated she saw 6 the bag. 7 Q. But back to the point earlier, no one 8 can say where this marijuana came from; right? 9 A. Correct. 10 Q. Okay. I know what the working theory 11 is, but there was no way to establish where the 12 marijuana came from; you would agree with that? Is 13 that a yes? 14 A. Yes. 15 Q. And apparently, she told -- or Alvin 16 told her that he was in some type of trouble; 17 correct? 18 A. I believe so, correct, yes. 19 Q. And the last time she saw him was at 20 8 o'clock that night? 21 A. Yes. 22 Q. And she didn't say the last time she 23 saw him was with Lee Evans; right? 24 A. Correct. 25 Q. So Ms. Turner was able to, I guess,</p>	<p>Tietjen - Direct/Bonjean Page 156</p> <p>1 Q. Well, he was in custody; is that 2 correct? 3 A. Correct. 4 Q. And what authority did law 5 enforcement have to bring witnesses, move witnesses 6 for interviews? 7 MR. VOMACKA: Objection to the form, 8 but you can answer. 9 A. I don't know what paperwork had to be 10 generated or approvals to get him out of a NJDOC 11 facility and transport him to Essex County for the 12 interview. 13 Q. You don't know what the process was? 14 A. No. 15 Q. Is it your understanding that that's 16 a lawful thing to do? 17 A. It's a what? 18 Q. Is it your understanding that that is 19 a lawful thing to do? 20 A. Yes. 21 Q. Based on what? 22 A. I had no reason to not believe it wasn't 23 lawful. 24 Q. Well, would you agree that witnesses 25 don't have an obligation to speak to you?</p>

<p>Tietjen - Direct/Bonjean Page 157</p> <p>1 A. Correct.</p> <p>2 Q. Okay. And if he's being moved</p> <p>3 against -- you know, without input into whether</p> <p>4 he's -- he's a prisoner; right?</p> <p>5 A. Correct.</p> <p>6 Q. His movement is dependent on third</p> <p>7 parties? He doesn't get to decide where he goes or</p> <p>8 when he goes; right?</p> <p>9 MR. VOMACKA: Objection to the form,</p> <p>10 but you can answer.</p> <p>11 A. I don't know what preempted his movement,</p> <p>12 whether he had to agree, whether he had to sign a</p> <p>13 waiver. Like I said before, I don't know how he</p> <p>14 was transported there. I know he was transported</p> <p>15 by DOC, but I don't know what led to that.</p> <p>16 Q. Do you know whether or not there was</p> <p>17 consent on his part with knowledge and</p> <p>18 understanding of why he was being moved from the</p> <p>19 Department of Corrections to the Essex County</p> <p>20 Prosecutor's Office prior to this interview?</p> <p>21 MR. VOMACKA: Objection to the form.</p> <p>22 You can answer.</p> <p>23 A. Like I said before, I don't know anything</p> <p>24 about his movement to the facility. He never</p> <p>25 appeared to be there outside of his own consent in</p>	<p>Tietjen - Direct/Bonjean Page 159</p> <p>1 throughout, and I think it was an attempt to show</p> <p>2 that there's others who care about this case</p> <p>3 actively involved with the hope that, you know, he</p> <p>4 might like one of us, and he might want to share</p> <p>5 some other information that had not yet been</p> <p>6 gleaned in this case.</p> <p>7 Q. Did you view Bob Cutler as a</p> <p>8 potential suspect?</p> <p>9 A. Not during this, but I think I keep my</p> <p>10 thoughts always open. I mean he was a young man</p> <p>11 at the time, and I don't think he was going to</p> <p>12 kill five boys. He would be like a real low, low</p> <p>13 level, if he was going to kill them.</p> <p>14 Q. You think that he was -- I'm sorry --</p> <p>15 because of his age, he --</p> <p>16 A. No. I said I would always be open-minded.</p> <p>17 If events or facts took us that way, I wouldn't</p> <p>18 exclude that, but the facts did not present to</p> <p>19 that.</p> <p>20 Q. Well, did you ask him about</p> <p>21 inconsistencies in his first statements to the</p> <p>22 police and then his subsequent statements to the</p> <p>23 police?</p> <p>24 A. I believe that was -- I can't recall any --</p> <p>25 we went through a lot of things. We'd have to</p>
<p>Tietjen - Direct/Bonjean Page 158</p> <p>1 the interview.</p> <p>2 Q. Well, did you ask him whether he was</p> <p>3 there because he had been informed of the purpose</p> <p>4 of the --</p> <p>5 A. No. No, I did not ask him.</p> <p>6 Q. And what did you recall about this</p> <p>7 interview with Bob Cutler, if anything?</p> <p>8 A. He went over plenty of things historical.</p> <p>9 Argued that they had Lee Evans as their suspect,</p> <p>10 you know, from like day one on. Was rather upset</p> <p>11 with police work throughout it. Did not provide</p> <p>12 anything that changed statements he made</p> <p>13 previously. He seemed very annoyed at law</p> <p>14 enforcement's response through the years to this</p> <p>15 case. He had previously spoken with law</p> <p>16 enforcement several times. You know, we spent</p> <p>17 some serious amount of time with him. He was</p> <p>18 hopeful for a resolution.</p> <p>19 Q. What was the purpose in interviewing</p> <p>20 Bob Cutler?</p> <p>21 A. Seeing if he had additional information or</p> <p>22 was willing to make additional statements that he</p> <p>23 had not made before. I know they had interviewed</p> <p>24 him previous to my ever involvement in this, and</p> <p>25 he had been interviewed by the law enforcement</p>	<p>Tietjen - Direct/Bonjean Page 160</p> <p>1 refer to transcripts. You'd have to actually</p> <p>2 listen to the tape to see who's asking the</p> <p>3 questions. I know some of the questions in there</p> <p>4 are certain people because I know we had certain</p> <p>5 things. But I think we went over some statements</p> <p>6 he made previously and a lot of him to just</p> <p>7 discuss and go over. A lot of it was spent on</p> <p>8 what he thought was, like, law enforcement doing</p> <p>9 wrong, or that we had Lee --</p> <p>10 Q. Well, he had a lot of opinions;</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. He didn't have a lot of facts,</p> <p>14 though; did he?</p> <p>15 A. Correct.</p> <p>16 Q. He had a strong opinion that Lee was</p> <p>17 involved, but he wasn't really able to provide you</p> <p>18 with any factual basis to support a theory that Lee</p> <p>19 was responsible for the boys' disappearance; right?</p> <p>20 A. Yes.</p> <p>21 MR. LIPSHUTZ: Objection to the form.</p> <p>22 Q. He had some street rumors and that</p> <p>23 type of thing; correct?</p> <p>24 A. Yes.</p> <p>25 Q. He couldn't even tell you when the</p>

<p>Tietjen - Direct/Bonjean Page 161</p> <p>1 boys disappeared because he was allegedly not 2 around? 3 A. Well, his dates would change as well 4 throughout his conversation with law enforcement, 5 as far as his recollection with his trip to 6 Atlantic City. Like, he also talked about the 7 marijuana and stealing the marijuana and doing it 8 himself as well. 9 Q. Right. But you brought up a good 10 point. His dates changed about when he went to 11 Atlantic City and when he came back from Atlantic 12 City; right? 13 A. Yes. 14 Q. And, in fact, who he was with 15 changed, too? He first told the police he was with 16 his grandmother and then it changed to his 17 girlfriend; right? 18 A. I believe that's correct. 19 Q. And did it trouble you that there 20 were some significant inconsistencies with what Bob 21 Cutler was telling you back in 2008 versus what he 22 had said on prior occasions? 23 A. Not at all. Because just like today, I'm 24 recalling certain things and not recalling others. 25 Certain memories will be there pretty well. But I</p>	<p>Tietjen - Direct/Bonjean Page 163</p> <p>1 takeaway. Am I wrong? 2 MR. VOMACKA: Objection to the form. 3 You can answer. 4 A. I would say you're completely wrong. It's 5 a characterization. Here, at this point, we have 6 no clue who are guaranteed or who we are going to 7 end up locking up or making an arrest. We have 8 basis throughout the case that identified Lee, but 9 I'll be always welcoming of some other alternate 10 person or some other alternate theory that is out 11 there. If you look at even Lee Evans' own 12 statements throughout changed date, time, and 13 places on numerous occasions, and he's intimately 14 involved from the early-on stages of this case. 15 Q. Right. And you think he did it? 16 A. Oh, yeah. 17 Q. Right. So you're not giving him the 18 benefit of the doubt on the inconsistencies? 19 That's my point. 20 MR. VOMACKA: Objection to the form, 21 but you can answer. 22 A. I don't think there's any not giving him 23 the benefit the doubt. We're looking at the case 24 and looking where the facts lead us, right, and 25 then when we have facts to support an arrest, we</p>
<p>Tietjen - Direct/Bonjean Page 162</p> <p>1 don't expect him to remember very significant 2 aspects exactly word for word what someone has 3 told before even as far back as 1978. That 4 happens all the time in cases. All the time. 5 Q. And even though you were not able to 6 figure out who the Bob was that was coming to -- 7 making the phone calls and demanding the money, did 8 you reach the conclusion that based on Mr. Cutler's 9 denials that it wasn't him? 10 A. I'll always be open to a possibility, but 11 we have nothing that led us that that's going to 12 be him. 13 Q. You had nothing that said it wasn't 14 him either, though? 15 A. Correct. As I said, I'm always open to 16 that possibility. 17 Q. Right. But it seems like whether 18 it's, you know, the inconsistencies in his 19 statements, or the fact that a Bob was going around 20 demanding money, or whether or not, you know, 21 there's some other explanation for the wallet being 22 in the hallway, if it didn't support your theory of 23 Lee Evans, you seem willing to disregard it pretty 24 readily. And if it did support your theory of Lee 25 Evans, you were willing to embrace it. That's my</p>	<p>Tietjen - Direct/Bonjean Page 164</p> <p>1 do that as well. But up until that point, he 2 still remains the suspect from day one that he was 3 throughout most of this case. 4 Q. Right. You started with the concept 5 of him being the prime suspect? 6 MR. VOMACKA: Objection to the form. 7 You can answer. 8 A. Open to other suspects as well, but he is 9 our lead suspect. As with any case that you get 10 involved in, if a suspect is identified, you have 11 that one, and you work other avenues because you 12 can certainly be wrong. 13 Q. You didn't work any other avenues; 14 you worked the Lee Evans' avenue? 15 MR. LIPSHUTZ: Objection. 16 Argumentative. 17 MR. VOMACKA: Objection. 18 Argumentative. You can answer. 19 Q. Am I incorrect? 20 A. Am I answering that question for you? 21 Q. Yes. Unless your attorney advises 22 you not to answer, you need to answer the question. 23 A. All right. I'm asking the questions, and 24 my concern is for all information provided. If 25 Bob Cutler says that Steve Jones did it, well, now</p>

<p>Tietjen - Direct/Bonjean Page 165</p> <p>1 I'm looking at Steve Jones. But Bob Cutler didn't 2 say that. No one said that. Everyone has 3 provided information that would lead you to Lee 4 Evans. 5 Q. No one said Lee Evans did it. The 6 only -- 7 A. Phil Hampton said it. 8 Q. I'm sorry? 9 A. Phil Hampton said it. 10 Q. We're not at Philander yet. We'll 11 get there. 12 A. We're dealing with identifying a suspect. 13 So Lee Evans is identified as a potential suspect. 14 Q. You started with Lee Evans. 15 A. No one said he did it, or they would have 16 solved the case probably back then. They said 17 they believed he is involved. 18 Q. Right. But up until Philander 19 Hampton, you actually didn't develop a single bit 20 of evidence that wasn't already developed in 1978? 21 A. Correct. 22 Q. And, in fact -- 23 A. Well, we developed DNA of the bodies -- you 24 know, for the bodies, for an identification. That 25 would be evidence. But not evidence of the crime.</p>	<p>Tietjen - Direct/Bonjean Page 167</p> <p>1 but everyone indicated that they stole from him 2 the marijuana, that he had marijuana in his 3 apartment, that the marijuana that his friends and 4 family members saw on the boys was from the 5 stealing of his house as well. So, like, we're 6 going to follow those things out with the hope 7 that somebody is going to tell us, Yeah, I sold to 8 him, or I bought from him, and how they bought 9 from him. These boys said they stole from him. 10 And then you have Bob Cutler saying he stole from 11 him as well, so that would be the same as somebody 12 saying, I bought from him, too. But Bob Cutler 13 stole from him. 14 Q. They developed evidence in 1978 15 through some of the young men who did not disappear 16 that they had seen marijuana in Lee's house and 17 that they had stolen marijuana by breaking in; 18 right? 19 A. Yes. 20 Q. But it's not fair to say that you 21 were able to demonstrate that what was recovered 22 from the boys -- Alvin Turner's house was that 23 marijuana? 24 A. No, I didn't say that. 25 Q. I just want to make clear on that.</p>
<p>Tietjen - Direct/Bonjean Page 166</p> <p>1 Q. Did you find the bodies? 2 A. No. Like you said, we didn't have any 3 evidence. 4 Q. Well, that has no evidentiary value 5 if you don't have the bodies; does it? 6 MR. VOMACKA: Objection. 7 Argumentative, but you can answer the question. 8 A. Correct. 9 Q. It's as useful as my DNA. I can get 10 go my toothbrush right now for you. That wouldn't 11 be very useful for anything if you don't find the 12 bodies; right? 13 A. Right. 14 MR. VOMACKA: Same objection. You 15 can answer. 16 Q. So up until Philander Hampton, you 17 also had pursued lines of investigation that 18 weren't backed up, like the drug operation; right? 19 MR. VOMACKA: Objection to the form 20 of the question. 21 A. I wouldn't say they're not backed up. 22 There's statements in there about drug operation 23 that you would see if you could prove otherwise, 24 so they are not backed up because we didn't solve 25 who his dealer was or prove that he was a dealer,</p>	<p>Tietjen - Direct/Bonjean Page 168</p> <p>1 And Bob Cutler didn't say that he stole marijuana 2 in and around the time that the boys went missing; 3 did he? 4 A. Yes, he did. 5 Q. On that day? That he was one of 6 them? 7 A. No. 8 Q. Okay. He's saying prior he had done 9 it? 10 A. Yeah, yes. 11 Q. And he's alive; right? 12 A. Yes. 13 Q. So, and I think Mr. Royster said he 14 stole marijuana, even on that day; right? 15 A. I don't know. 16 Q. Well, we can look at his statement. 17 Do you remember interviewing Gregory Royster, I 18 think is his name? 19 A. What day is that? I remember meeting with 20 him at some point. 21 Q. Yeah. You know what, I don't think 22 you were involved, but I think it was an interview 23 that was conducted just prior to you joining the 24 team. Do you remember seeing that interview? 25 A. No, I just remember the name. I just</p>

<p>Tietjen - Direct/Bonjean Page 169</p> <p>1 looked at -- I didn't have any involvement with 2 him. 3 Q. But you would have wanted to look at 4 that interview potentially to see whether it 5 actually was corroborative of your working theory 6 about the motive; right? 7 A. I may have. I don't recall it. 8 Q. Okay. But that's something a 9 detective would do; right? 10 A. Correct. 11 Q. You, I believe, interviewed -- 12 (Connectivity issues.) 13 Q. -- Akbar Pray. And Marvin Boykins 14 was another interview, I believe, and he agreed to 15 speak with you all; correct? 16 A. Yes. 17 Q. Why did you want to interview 18 Mr. Boykins? 19 A. Lieutenant Carrega wanted to interview 20 Mr. Boykins about also his potential knowledge of 21 the case, and his name had come up previously, and 22 we were trying to interview everybody who was 23 still alive and available to interview to see if 24 they had any new information. 25 Q. And what information did you have</p>	<p>Tietjen - Direct/Bonjean Page 171</p> <p>1 about denying. 2 Q. Do you remember what information was 3 asked of him? 4 A. No. 5 Q. But it did have to do with Lee Evans; 6 right? 7 A. Correct. 8 Q. Were you comfortable with or did you 9 ultimately determine that he was being truthful 10 when he denied having information? 11 A. Yes. 12 Q. And you put a lot of stock in the 13 polygraph? 14 A. Yes. 15 Q. I guess maybe I'm just -- would like 16 you to elaborate, if you would, why you would put 17 so much stock in a polygraph? 18 A. Well, I know the polygraph examiner there, 19 and I seen his work before, and I know the 20 training that they've gone through. So on that 21 aspect of that specific polygraph, I believe that 22 one of the questions asked for in the polygraph 23 were specifically related to his knowledge of the 24 disappearance, if he was telling the truth, and he 25 denied the knowledge, and the indications were</p>
<p>Tietjen - Direct/Bonjean Page 170</p> <p>1 going into this interview that led you to believe 2 that Boykins could provide some helpful information 3 to aid in determining what happened to the young 4 men? 5 A. Because he was involved in the 6 investigation early on with interviews as well. 7 Q. And what did he say; do you remember? 8 A. No, I don't recall. 9 Q. But he told you, and as he told -- as 10 he said in the past, that he didn't have any 11 information; correct? 12 A. I am not looking at a document on that. 13 Q. Do you want to look at your report? 14 I have it at page 8 of 19. 15 A. Correct. 16 Q. Okay. And he was polygraphed, it 17 looks like; correct? 18 A. Correct. 19 Q. Why did you polygraph him? 20 A. There was concern that whether he was 21 truthful about knowing information in the case. 22 (Reporter requested clarification.) 23 A. About knowing information in the case. He 24 denied knowing it, and the polygraph was 25 administered to determine if he was being truthful</p>	<p>Tietjen - Direct/Bonjean Page 172</p> <p>1 that he was being truthful. I can't speak to any 2 other polygraphs being conducted. 3 Q. But generally speaking, even though 4 they're deemed unreliable for the purposes of being 5 admissible in court, you find them reliable in 6 directing your investigations? 7 A. I find it to provide information. 8 Sometimes it does not return any conclusive 9 information. They use a term, you know, for each 10 of the different steps. I'm not familiar -- I'm 11 not recalling what they are. I think one being 12 conclusive. Whether someone is going to -- how 13 they're going to interpret that or not. Someone 14 can improperly interpret that based upon the 15 graphs as well based upon their training. 16 Q. All right. So now let's now talk 17 about what happens on November 7, 2008. This is 18 when Mr. Hampton is arrested in connection with a 19 traffic warrant; right? 20 A. Correct. 21 Q. So he is in custody because he has a 22 warrant out related to a traffic ticket; is that 23 fair? 24 A. Correct. 25 Q. And had there been efforts to find</p>

<p>Tietjen - Direct/Bonjean Page 173</p> <p>1 Mr. Hampton prior to November 7, 2008?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And what efforts were made to</p> <p>4 locate Philander Hampton prior to November 7, 2008?</p> <p>5 A. We looked for him in known locations where</p> <p>6 he was known not only to stay but where he was</p> <p>7 known to hang out.</p> <p>8 Q. Why did you want to speak with</p> <p>9 Philander Hampton?</p> <p>10 A. Because he was a person that potentially</p> <p>11 had information on this investigation just like</p> <p>12 any of the other witnesses throughout.</p> <p>13 Q. But where did you get the idea that</p> <p>14 he had information about this?</p> <p>15 A. No, we didn't -- every person we spoke to</p> <p>16 here, it was the hope that they would be able to</p> <p>17 provide us something new. There's nothing here</p> <p>18 that I wrote or read that says he's going to tell</p> <p>19 me that he was intimately involved in the events</p> <p>20 that occurred in 1978.</p> <p>21 Q. Well, back in May 8th of 2008 --</p> <p>22 A. Um-hum.</p> <p>23 Q. -- Carrega identified his strong</p> <p>24 interest in finding Philander Hampton; correct? I</p> <p>25 mean, you don't deny that; right?</p>	<p>Tietjen - Direct/Bonjean Page 175</p> <p>1 A. Correct.</p> <p>2 Q. In your mind, he had no specific</p> <p>3 significance any more than the victims' mothers,</p> <p>4 for instance, or Marvin Boykins, or anything like</p> <p>5 that; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. You didn't have any feeling that he</p> <p>8 was -- strike that.</p> <p>9 You didn't have any basis to believe</p> <p>10 that he might have firsthand knowledge about the</p> <p>11 incident or was otherwise involved in the incident?</p> <p>12 A. No, I did not.</p> <p>13 Q. And Lieutenant Carrega didn't share</p> <p>14 his view that Philander definitely had some</p> <p>15 involvement in this or had some knowledge about it?</p> <p>16 A. I don't think anyone here was outside of</p> <p>17 the belief that people involved potentially had</p> <p>18 more information, and that's why we were</p> <p>19 interviewing everybody. There was no known to me</p> <p>20 link to say that he was involved with their actual</p> <p>21 disappearance and deaths, or whatever.</p> <p>22 Q. Yeah, forgive me, but as of May 2nd,</p> <p>23 2008, or May 8, 2008, I understand that there was a</p> <p>24 general interest in re-interviewing people, but</p> <p>25 according to your report, there were only two</p>
<p>Tietjen - Direct/Bonjean Page 174</p> <p>1 A. No.</p> <p>2 Q. And you made all types of efforts to</p> <p>3 find him? You identified warrants that were out</p> <p>4 for him; correct?</p> <p>5 A. Correct.</p> <p>6 Q. And why was it that Carrega wanted to</p> <p>7 find Philander Hampton?</p> <p>8 MS. ROSEN: Objection to the form.</p> <p>9 You can answer.</p> <p>10 A. I believe at that point, we knew that he</p> <p>11 was potentially a relative of Lee Evans as well.</p> <p>12 It turns out he's a cousin. But Lou, that was one</p> <p>13 person he wanted to identify and interview, just</p> <p>14 like the others. We hadn't been able to come up</p> <p>15 with information about Philander Hampton.</p> <p>16 Q. Well, had Philander Hampton to the</p> <p>17 best of your knowledge been interviewed back in</p> <p>18 1978?</p> <p>19 A. He was interviewed at various -- I don't</p> <p>20 know which report, but I definitely seen his name</p> <p>21 in previous reports, yes.</p> <p>22 Q. So you were aware of him, and what</p> <p>23 you're testifying is he was no different than any</p> <p>24 other witnesses, he was just one of many on the</p> <p>25 list that you wanted to talk to?</p>	<p>Tietjen - Direct/Bonjean Page 176</p> <p>1 people that were given a -- or identified with</p> <p>2 specificity as to who you wanted to talk to, and</p> <p>3 that was Lee Evans and Philander Hampton?</p> <p>4 A. Where are you getting that generalization?</p> <p>5 Q. From your report. Would you like --</p> <p>6 A. He says on May 8th, he wants to locate him.</p> <p>7 Somebody he was having difficulty locating. The</p> <p>8 others were easy to find. There was no</p> <p>9 cat-and-mouse game to find them. So Lieutenant</p> <p>10 Carrega had done his homework prior to involving</p> <p>11 me to find people to interview, and he had</p> <p>12 difficulty locating Philander Hampton and asked me</p> <p>13 if I would be able to shed any more information to</p> <p>14 assist in locating him. That's on the 8th.</p> <p>15 That's before I even met with him.</p> <p>16 Q. Have you had a chance to read</p> <p>17 Lieutenant Carrega's testimony from the Miranda</p> <p>18 hearing regarding how he viewed Philander Hampton?</p> <p>19 A. No, I did not.</p> <p>20 Q. And we can look at it, but I just</p> <p>21 want to make sure that I have your testimony clear</p> <p>22 first, that as far as you were concerned, he was</p> <p>23 not -- you had no reason to believe that he had any</p> <p>24 more information than anybody else, he was just on</p> <p>25 a list of people to talk to?</p>

<p>Tietjen - Direct/Bonjean Page 177</p> <p>1 A. He was a person that may have information, 2 just like everybody else. I think he was somebody 3 that Lieutenant Carrega had not been able to 4 interview. That's why he asked me to look for 5 him. The hope was that he had information. 6 Q. And where did you get the idea that 7 he even had any information? 8 A. I believe there's early reports that 9 indicate his involvement early on with Lee Evans 10 as well and being his relative. Those were others 11 as well. 12 Q. I'm going -- I know I'm testing your 13 memory a little bit. 14 Are you talking about reports from 15 the original investigation? 16 A. Yes. 17 Q. The 1978 investigation? 18 A. Yes, '78 through whatever. 19 Q. Through where? 20 A. Through whatever date. I don't have the 21 date it shows up in there. 22 Q. In those Hairston reports, again, I 23 don't want you to spend too much time, but were you 24 able -- when you reviewed those materials, were you 25 able to, those old reports, were you able to</p>	<p>Tietjen - Direct/Bonjean Page 179</p> <p>1 objection. Go ahead, Sergeant. 2 A. I don't how he was advised. Whether he 3 looked up into the county jail system that told 4 him he was there. I didn't read his testimony. I 5 didn't see a report from him on it to indicate how 6 he was advised. So he could have found out 7 multiple ways. He could have indicated to the 8 jail that if this individual comes down here, tell 9 me, or if he looked into the system to see if he 10 was in the jail system, which is very easy to do. 11 I can do it from this laptop. 12 Q. Well, if you're looking, I guess, 13 every single day; right? 14 A. Well, it might have been a day he got 15 lucky. You know what I'm saying? Like, if you 16 think about the rush that you're getting at, so on 17 November 7th, he's arrested. On the 12th is the 18 point of the interview. There was no attempt to 19 go to the jail -- we can interview somebody at the 20 jail -- to the best of my knowledge. You know, 21 there was no attempt there. But somehow he became 22 aware that he was there. I don't know how he was 23 made aware. Whether he notified anybody down 24 there, Hey, if the guy comes in. I don't know. 25 Q. And just to be clear, he was on a</p>
<p>Tietjen - Direct/Bonjean Page 178</p> <p>1 identify where there was a mention of Philander 2 Hampton, or Philander, or anything close to that? 3 A. There was a Phil Evans in there. Like, he 4 went by various names. And I don't know where the 5 Philander Hampton came up. We looked up for a 6 Phil Evans, too, potentially, but I know there was 7 271 Hunterdon shows up in there somewhere. 8 Q. Right. So, again, I'm just wondering 9 how you got to Philander Hampton? 10 A. I was provided that name by Lieutenant 11 Carrega to look for him. That's as far as I know. 12 And then on November, the date he was brought in, 13 I wasn't even there until later on in the 14 interview. I thought that insignificant of his 15 involvement that I didn't choose to be there that 16 day as well. 17 Q. Well, you would admit that for 18 Mr. Carrega to be advised that he was in custody, 19 there must have been some type of stop order or 20 some type of indication that he was to be notified 21 if Philander was picked up on a warrant; right? 22 MS. ROSEN: Objection to form. 23 MR. VOMACKA: Objection to the form, 24 but you can answer. 25 MR. LIPSHUTZ: I'm going to join the</p>	<p>Tietjen - Direct/Bonjean Page 180</p> <p>1 traffic warrant, he wasn't being detained on 2 anything serious; right? 3 MR. VOMACKA: Objection to the form. 4 MR. LIPSHUTZ: Objection to the form. 5 A. To the best of my knowledge, it was for a 6 traffic warrant. He originally had a ACS warrant, 7 which is court-generated one as well -- 8 (Reporter requested clarification.) 9 A. It's a warrant out of the courts as far as 10 like a summons complaint. Not a motor vehicle or 11 traffic summons. 12 MR. LIPSHUTZ: Sergeant, can you 13 repeat the initials because I'm not sure that the 14 reporter got it? 15 A. ACS, so like Automated Complaint System, 16 and then ATS is like Automatic, like, Traffic 17 System, which shows a motor vehicle summons. 18 Q. Okay. And I know you said that there 19 wasn't a rush to go see him, but there was an 20 immediate effort to get in front of a judge to get 21 him over to the Essex County Prosecutor's Office 22 for an interview; right? 23 A. I don't know anything about that. 24 Q. That's not something you were privy 25 to; is that right?</p>

<p>Tietjen - Direct/Bonjean Page 181</p> <p>1 A. No.</p> <p>2 Q. And is it your testimony that Carrega</p> <p>3 didn't explain to you how it was that he arranged</p> <p>4 for Mr. Hampton to get over to the Essex County</p> <p>5 Prosecutor's Office?</p> <p>6 MS. ROSEN: Objection to form.</p> <p>7 MR. VOMACKA: Objection to form. You</p> <p>8 can answer.</p> <p>9 A. I don't recall if he told me or even if I</p> <p>10 asked how he was getting him over.</p> <p>11 Q. All right. And I know in your mind,</p> <p>12 Philander Hampton was no different than other</p> <p>13 witness, but can you identify any other witness</p> <p>14 where they were brought into Essex County, writted</p> <p>15 into, I guess, to the courtroom -- I don't know how</p> <p>16 it all happened -- but ended up in the Essex County</p> <p>17 Prosecutor's Office for an interview?</p> <p>18 A. Yeah. Robert Cutler.</p> <p>19 MR. LIPSHUTZ: Objection to the form</p> <p>20 of that question.</p> <p>21 Q. But Robert Cutler was in the</p> <p>22 Department of Corrections; right?</p> <p>23 A. Correct.</p> <p>24 Q. He wasn't hard to find? He was the</p> <p>25 easiest to find; right?</p>	<p>Tietjen - Direct/Bonjean Page 183</p> <p>1 Tietjen.</p> <p>2 You don't know, or do you -- I guess</p> <p>3 you can tell me if you do, but I think you</p> <p>4 previously testified that you do not know whether</p> <p>5 or not Carrega was informed that he was in custody</p> <p>6 or whether he just happened to check and saw that</p> <p>7 he was in custody?</p> <p>8 A. I don't recall being told how he found out.</p> <p>9 Q. And you have no firsthand knowledge</p> <p>10 about how it was and under what authority Philander</p> <p>11 Hampton was brought to the Essex County</p> <p>12 Prosecutor's Office; correct?</p> <p>13 MR. VOMACKA: Objection to the form.</p> <p>14 If you can answer it, you can answer.</p> <p>15 A. Not that I can recall. We drove him back</p> <p>16 to the Essex County jail.</p> <p>17 Q. Okay.</p> <p>18 A. I don't know how he got to the Essex County</p> <p>19 Prosecutor's Office.</p> <p>20 Q. Right. He didn't get there on his</p> <p>21 own; right?</p> <p>22 A. Yes.</p> <p>23 MR. VOMACKA: Objection.</p> <p>24 Q. And you don't know whether he</p> <p>25 consented to come over for an interview from the</p>
<p>Tietjen - Direct/Bonjean Page 182</p> <p>1 A. Correct.</p> <p>2 Q. Okay. He wasn't too hard to find.</p> <p>3 But --</p> <p>4 A. But anybody else was brought to the Essex</p> <p>5 County Prosecutor's Office. So we interviewed him</p> <p>6 --</p> <p>7 Q. Okay. Fair enough. Apart from</p> <p>8 Robert Cutler, Philander Hampton, who was not easy</p> <p>9 to find, who you had trouble finding, all of a</p> <p>10 sudden ends up in jail, and Carrega arranges to</p> <p>11 have him brought over, but you don't have any</p> <p>12 firsthand knowledge of how that happened; right?</p> <p>13 MR. LIPSHUTZ: Objection. So many</p> <p>14 levels of that question is incorrect. Objection</p> <p>15 to the form.</p> <p>16 MR. VOMACKA: Objection.</p> <p>17 MS. BONJEAN: Incorrect how?</p> <p>18 MR. LIPSHUTZ: It's speculative.</p> <p>19 It's argumentative. It's based on facts that are</p> <p>20 not in evidence. So you can rephrase it, but I'm</p> <p>21 objecting to the form.</p> <p>22 MR. VOMACKA: Yeah, the same</p> <p>23 objections.</p> <p>24 MS. BONJEAN: I'll rephrase.</p> <p>25 Q. So we'll start over, Sergeant</p>	<p>Tietjen - Direct/Bonjean Page 184</p> <p>1 Essex County jail; correct?</p> <p>2 A. I have no information.</p> <p>3 MR. VOMACKA: Objection. It was</p> <p>4 asked and answered. You can answer the question.</p> <p>5 A. Like I said, I don't recall how he got</p> <p>6 over, so I don't know.</p> <p>7 Q. But in any event, then he is brought</p> <p>8 over. And do you recall what time it was that he</p> <p>9 was brought over from the Essex County jail to the</p> <p>10 Essex County Prosecutor's Office?</p> <p>11 A. I do not have a time that he was brought</p> <p>12 over.</p> <p>13 Q. Do you have an understanding about</p> <p>14 what time it was?</p> <p>15 A. It was in the afternoon.</p> <p>16 Q. Do you know if it was late afternoon</p> <p>17 or early afternoon?</p> <p>18 A. It was probably middle afternoon. I don't</p> <p>19 know what time he was brought in, but I know I was</p> <p>20 given information, whether a phone call from</p> <p>21 Lieutenant Carrega, or a text, that Philander</p> <p>22 Hampton was there and going to be interviewed, and</p> <p>23 then around 4:15, he called me to say that</p> <p>24 Philander Hampton had taken a polygraph and then</p> <p>25 provided information of his involvement. And at</p>

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<p>Tietjen - Direct/Bonjean Page 185</p> <p>1 that point, you know, I remembered at that point, 2 I was on my way home, I got a phone call -- 3 Q. I don't mean to interrupt you, but 4 can you tell me what time it was you said -- 5 A. It was 4:15 when I was advised by 6 Lieutenant Carrega. 7 Q. 4:15. So you were advised at about 8 4:15 p.m. that he had taken a polygraph; right? 9 A. Correct. 10 Q. So obviously, he was brought over -- 11 A. Sometime prior. 12 Q. -- before? And when was the first 13 time you set eyes on Philander Hampton? 14 A. At some point after I arrived at Essex 15 County Prosecutor's Office prior to going over to 16 the Newark Station to make sure we get the 17 videotaped room ready to go in there. So probably 18 at Essex County around five-something, so sometime 19 between 5 and say 7 o'clock. 20 Q. So between 5 o'clock and 7 o'clock 21 p.m. is when you first saw Philander Hampton with 22 your own two eyes? 23 A. Sometime between there, yes. 24 Q. And that was at the Essex County 25 Prosecutor's Office?</p>	<p>Tietjen - Direct/Bonjean Page 187</p> <p>1 A. No, no. 2 Q. And what Carrega testified to, I 3 know, again, you don't have the transcript in front 4 of you, but let's just assume for the purposes of 5 this question that that's what he testified to. 6 You don't have a recollection to contradict that; 7 right? 8 A. No, not whatsoever. 9 Q. Okay. So assuming that is correct 10 and that Mr. Hampton was brought over to the Essex 11 County Prosecutor's Office between 1 o'clock and 2 12 o'clock p.m. on November 12, 2008, and you arrived 13 somewhere between 5 o'clock and 7 o'clock p.m., is 14 it fair to say that you have no firsthand knowledge 15 about what transpired from 1 o'clock when he was 16 first brought over -- or 1 and 2 -- and 5 o'clock 17 to 7 o'clock when you arrived? 18 A. Correct. 19 Q. So you don't know who was present 20 during that period of time, I assume; correct? 21 A. No. 22 Q. And you do not know what efforts or 23 what -- strike that. 24 You don't know where people were 25 convened, where Philander and Carrega and any other</p>
<p>Tietjen - Direct/Bonjean Page 186</p> <p>1 A. Yes. 2 Q. And who was present when you arrived 3 at the Essex County Prosecutor's Office? 4 A. I don't recall exactly who was present, but 5 I know at some point Detective Hadley was 6 involved. Sergeant Henry was involved. Lou 7 Carrega. I think Jack Eutsey was there that day, 8 too. 9 Q. Who? 10 A. Agent Eutsey. I believe he was there. But 11 I don't recall who was all there when I arrived, 12 and, you know, especially like who was where 13 and... 14 Q. Hold on one second, if you would, 15 please. I wanted to just confirm something before 16 I asked... 17 I know you haven't read the 18 transcripts, but if Lieutenant Carrega testified 19 that Philander Hampton was brought over between 1 20 or 2 o'clock p.m., do you have any reason to 21 quarrel with his prior testimony on that point? 22 MS. ROSEN: Objection to form. You 23 can answer. 24 A. Any reason to what on that? 25 Q. Quarrel with that?</p>	<p>Tietjen - Direct/Bonjean Page 188</p> <p>1 people that were present, had convened; correct? 2 A. Yes. 3 Q. Did you get communications from 4 Carrega via text, you said? 5 A. Either text or phone -- I don't recall -- 6 where he told me they had him there to do an 7 interview, and we can -- 8 (Connectivity issues.) 9 A. He advised me that he was there, and they 10 were going to interview him, and at around 4:15, 11 he advised me of the progress of the interview, 12 and that's when I started heading down there. 13 Q. And did you understand the 14 significance of Philander Hampton being in custody 15 and available to be interviewed as of 4:15 when you 16 were given that update by Carrega? 17 A. Yes. 18 Q. What did you understand the 19 significance of it to be? 20 A. That he had information relative to the 21 missing boys. 22 Q. And it would be fair to say that 23 Carrega had communicated with you prior to that 24 that Philander Hampton had information; right? 25 MS. ROSEN: Objection to form. You</p>

<p>Tietjen - Direct/Bonjean Page 189</p> <p>1 can answer it.</p> <p>2 A. No, I did not have information. I was</p> <p>3 en route home on 78 coming from out east. If he</p> <p>4 had told me that, I would have gone directly</p> <p>5 there. At 4:15 is when I became aware that</p> <p>6 Philander Hampton had information that was</p> <p>7 relevant.</p> <p>8 Q. What I'm saying, though, is you knew</p> <p>9 prior to November 12, 2008, that Lieutenant Carrega</p> <p>10 wanted to interview Philander Hampton because he</p> <p>11 had --</p> <p>12 MR. LIPSHUTZ: Hold on. I'm sorry to</p> <p>13 interrupt. I didn't really hear your question.</p> <p>14 You got muffled. Did the court reporter get the</p> <p>15 question?</p> <p>16 COURT REPORTER: No.</p> <p>17 MS. BONJEAN: Okay. I'll start over.</p> <p>18 Q. Prior to November 12, 2008,</p> <p>19 Lieutenant Carrega had communicated to you and</p> <p>20 other members of the team, I assume, that he was</p> <p>21 interested in speaking to Philander Hampton because</p> <p>22 he believed that he had information about the case;</p> <p>23 is that right?</p> <p>24 A. Correct.</p> <p>25 MS. ROSEN: Objection to form.</p>	<p>Tietjen - Direct/Bonjean Page 191</p> <p>1 MR. VOMACKA: Objection.</p> <p>2 (Reporter requested clarification.)</p> <p>3 A. They were supposed to be known to work</p> <p>4 together as well.</p> <p>5 Q. Okay. So they were close cousins;</p> <p>6 they worked together?</p> <p>7 A. Yes. Just like -- just another person to</p> <p>8 interview.</p> <p>9 Q. But no specific belief that he had</p> <p>10 any unique knowledge?</p> <p>11 A. Any what knowledge?</p> <p>12 Q. Any unique knowledge?</p> <p>13 A. No.</p> <p>14 Q. Prior to the interview, did the team</p> <p>15 discuss any theories about how the boys had died?</p> <p>16 MR. LIPSHUTZ: Objection to the form.</p> <p>17 A. I'm sure we had thoughts about -- it</p> <p>18 was all -- there was no evidence to back anything</p> <p>19 up. So we had thought that they were buried. We</p> <p>20 they buried in an abandoned house? Were they</p> <p>21 buried in a field, dumped in the trash. You know,</p> <p>22 that's all stuff that you're speculating as you go</p> <p>23 through a case, and I'm sure we had topics of</p> <p>24 conversations on that but...</p> <p>25 Q. And you had information from the '78</p>
<p>Tietjen - Direct/Bonjean Page 190</p> <p>1 Q. And did he express to you, or to any</p> <p>2 other members of the team to which you would have</p> <p>3 be privy, what his belief was about information</p> <p>4 Philander Hampton might have?</p> <p>5 A. No.</p> <p>6 MS. ROSEN: Objection to form.</p> <p>7 Q. I'm sorry?</p> <p>8 A. No.</p> <p>9 Q. Not even any theory whatsoever was</p> <p>10 discussed?</p> <p>11 A. No, just that Philander Hampton may have</p> <p>12 knowledge of what Lee might have done with the</p> <p>13 boys. We had no clue what occurred to them after</p> <p>14 they left them.</p> <p>15 Q. Why would Philander Hampton have any</p> <p>16 information about what Lee did with the boys?</p> <p>17 Where did you get that information from?</p> <p>18 A. It's just information of the events. We</p> <p>19 had no clue of what occurred. So could he have?</p> <p>20 He's a cousin of Lee Evans, so we interviewed him.</p> <p>21 I would say in the interview, like, luck was there</p> <p>22 that he decided to provide information.</p> <p>23 Q. Your testimony is that just because</p> <p>24 he was a cousin, it was the view that he might have</p> <p>25 information? That's it? That's all you had?</p>	<p>Tietjen - Direct/Bonjean Page 192</p> <p>1 reports that there had been a fire; right?</p> <p>2 MR. LIPSHUTZ: Objection.</p> <p>3 Argumentative.</p> <p>4 A. A fire when? And where? What fire are you</p> <p>5 talking about?</p> <p>6 Q. Well, we read a portion of, I think,</p> <p>7 Hairston's report where there had been a fire at</p> <p>8 15th and Bergen Streets? Yes?</p> <p>9 A. Yeah, he determined those fires not to have</p> <p>10 any fatalities. I don't have any -- like, that</p> <p>11 wasn't something that was on my list of things to</p> <p>12 worry about. I trusted that he had information</p> <p>13 back then that proved that it was not involved</p> <p>14 with our event.</p> <p>15 Q. So if I hear you correctly, you were</p> <p>16 aware of the theory that the boys had -- a theory</p> <p>17 that the boys could have died in a fire, but you</p> <p>18 assumed that Hairston had done his investigative</p> <p>19 work and that that was not on the table any longer?</p> <p>20 MR. VOMACKA: Objection to the form,</p> <p>21 but you can answer.</p> <p>22 A. I was aware that Hairston looked at fires</p> <p>23 in the area. I don't know what led him to the</p> <p>24 fires, whether if it was just the psychic</p> <p>25 mentioning the word fire to him. I think this one</p>

<p>Tietjen - Direct/Bonjean Page 193</p> <p>1 actually looked like -- I don't know the dates 2 right now without looking at it, whether it was 3 before the psychic or after, but that would be 4 just good case detective work to follow up on 5 fires in the City of Newark to see if there were 6 any with fatalities, because they typically would 7 be unidentified for an extended period of time. 8 Q. And he did do that? He did pull, at 9 least what you read from his report, that he did 10 inquire about fires in August of 1978; right? 11 A. With fatalities, correct. 12 Q. What's that? 13 A. With fatalities he looked. So he didn't 14 inquire about -- right. He said with fatalities, 15 yeah, so... 16 Q. It said he was especially interested 17 in fatalities, but he didn't say he was just 18 pulling information about fires with fatalities? 19 A. I don't know what he got, or if he even got 20 this fire or anything. I don't know. I know what 21 he wrote down there. 22 Q. What's your understanding about where 23 the fire that took place that ultimately led to the 24 death of the boys? 25 MR. VOMACKA: I'm sorry. Would you</p>	<p>Tietjen - Direct/Bonjean Page 195</p> <p>1 in there. 2 Q. Well, aliens are a possibility, too; 3 right? 4 MR. LIPSHUTZ: Objection. 5 MR. VOMACKA: Objection to the form. 6 You can answer. 7 A. That's -- 8 Q. I mean, that's not really helpful. I 9 know anything is a possibility. I'm asking a 10 different question. 11 Did you consider, you specifically, 12 Sergeant Tietjen, consider that the boys may have 13 perished in a fire prior to November 12, 2008? 14 A. I would have to say I probably considered 15 it at some point, but I went with the fact of 16 information that the fires that they had at that 17 time had no known fatalities. I did not realize 18 at that point that a abandoned structure that was 19 lit on fire with the fire department saying there 20 no one thought to be living inside or still stuck 21 inside would not be examined for remains or dug 22 out completely, which we would later learn as 23 well. So I excluded those fires because no 24 fatalities were uncovered in those fires. Could 25 they have been in a fire later on? Possibly. But</p>
<p>Tietjen - Direct/Bonjean Page 194</p> <p>1 repeat the question? 2 Q. What's your understanding as you sit 3 here today about the address of the building where 4 the boys allegedly perished in? 5 A. 256 Camden Street. 6 Q. And what are the cross streets? What 7 were the cross streets? 8 A. Well, the back street is Bergen. I don't 9 know a cross street offhand. 10 Q. So Bergen is the back street? 11 A. Correct. 12 Q. And do you know whether the cross 13 street was 15th Street? 14 A. I don't know that. 15 Q. Okay. So it's your testimony that 16 the fire wasn't -- the boys dying in a fire was not 17 really a working theory prior to November 12th of 18 2008? 19 A. Not of mine, no. 20 Q. Do you know whether it was a theory 21 of anyone else's working on the team? 22 A. I don't know. 23 MR. LIPSHUTZ: Objection to the form. 24 A. It's always a possibility. But they had 25 looked at those fires and had no known fatalities</p>	<p>Tietjen - Direct/Bonjean Page 196</p> <p>1 that wasn't looked at as well. You know, where 2 somebody pulled them and then covered the remains 3 later on, or burned them in a barrel down under 4 78. You know, it's all a possibility. 5 Q. And do you remember having any 6 conversations with your colleagues about the, I'll 7 call it a fire theory, that the boys may have 8 perished in a fire, again, prior to November 12th, 9 2008? 10 A. I don't recall anything like that. 11 Q. And just so I'm clear, Carrega told 12 you when he asked you to participate in this case 13 that he wanted to re-interview everybody; right? 14 A. Correct. 15 Q. And presumably, he wants to look at 16 all possible leads; correct? 17 A. Correct. 18 MS. ROSEN: Objection to form. 19 Q. And that's what you all were doing; 20 right? 21 A. Correct. 22 Q. And one of those possible leads was 23 that the boys may have died in a fire; would you 24 agree? 25 A. I don't know if -- you said is that a</p>

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<p>Tietjen - Direct/Bonjean Page 197</p> <p>1 possibility before? Now you're having a lead that</p> <p>2 the boys died in the fire. Hairston looked at</p> <p>3 information about fires. I am unaware of</p> <p>4 information saying the boys died in a fire.</p> <p>5 Q. Okay. Well --</p> <p>6 A. That I can recall.</p> <p>7 Q. What I'm saying, though, is that you</p> <p>8 would agree that even back in 1979, that was a lead</p> <p>9 that was looked at; correct?</p> <p>10 A. Correct.</p> <p>11 Q. All right. And part of this cold</p> <p>12 case investigation was to re-look at leads and</p> <p>13 re-interview witnesses; right?</p> <p>14 A. Correct.</p> <p>15 Q. And what I'm asking is does that</p> <p>16 include the theory that the boys had maybe perished</p> <p>17 in a fire?</p> <p>18 A. I didn't take any steps to look at fires in</p> <p>19 the city beyond what that report says.</p> <p>20 Q. So you looked at that and thought</p> <p>21 fire was off the table?</p> <p>22 A. Yeah.</p> <p>23 Q. And you had no idea in your mind</p> <p>24 where the boys' bodies were at that point? No</p> <p>25 theory whatsoever?</p>	<p>Tietjen - Direct/Bonjean Page 199</p> <p>1 the report that references Philander, because I</p> <p>2 think you mentioned 271 Hunterdon Street; right?</p> <p>3 A. Yep.</p> <p>4 Q. And there's a reference to an</p> <p>5 interview with a Philan Williams; right?</p> <p>6 A. Correct.</p> <p>7 Q. Did it become your understanding, and</p> <p>8 I'm assuming with your access to the ability to</p> <p>9 find people based on social security numbers, that</p> <p>10 this was Philander Hampton?</p> <p>11 A. Yes, I believe it's Philander Hampton.</p> <p>12 Q. And you knew it was Philander Hampton</p> <p>13 before November 12, 2008, obviously; right?</p> <p>14 A. I imagine so. I don't recall when I knew</p> <p>15 that.</p> <p>16 Q. Well --</p> <p>17 A. I don't recall like that becoming</p> <p>18 significant to the case; you know what I'm saying?</p> <p>19 Q. Well --</p> <p>20 A. At some point, I would have seen that that</p> <p>21 was Philander Hampton.</p> <p>22 Q. Right. But if you had Philander</p> <p>23 Hampton on your list -- if you had Philander</p> <p>24 Hampton on your list of people who you wanted to</p> <p>25 re-interview, that suggests that you had knowledge</p>
<p>Tietjen - Direct/Bonjean Page 198</p> <p>1 A. No clue whatsoever.</p> <p>2 Q. Okay. Now, the scene, I think I</p> <p>3 want to go back to -- so whatever time --</p> <p>4 A. Can we take a break here at this point?</p> <p>5 Q. Sure. How much time do you need?</p> <p>6 A. Just about four minutes.</p> <p>7 Q. Sure. No problem.</p> <p>8 THE VIDEOGRAPHER: The time is 2:28</p> <p>9 p.m. Off the record.</p> <p>10 (Break taken.)</p> <p>11 THE VIDEOGRAPHER: The time is 2:38</p> <p>12 p.m. This begins DVD number four. Back on the</p> <p>13 record.</p> <p>14 BY MS. BONJEAN:</p> <p>15 Q. Sergeant Tietjen, I'd ask you, if you</p> <p>16 would, please look at, I guess it's the Hairston</p> <p>17 reports, but I think it's Tietjen-2. And if you</p> <p>18 could look at the page that's Bates stamped</p> <p>19 ECPO 003569, and it has a 22 also handwritten</p> <p>20 there, if that helps.</p> <p>21 A. I'm on that page.</p> <p>22 Q. Are you there?</p> <p>23 A. Yes.</p> <p>24 Q. And at the bottom, I just want to</p> <p>25 make sure that we're talking about the same part of</p>	<p>Tietjen - Direct/Bonjean Page 200</p> <p>1 that there was a prior interview with him, and I'm</p> <p>2 asking if this is the prior interview that you're</p> <p>3 referencing?</p> <p>4 A. I believe so, yes.</p> <p>5 Q. Okay. And this interview back in</p> <p>6 1978 with Philander Hampton established that he was</p> <p>7 Lee Evans' cousin; correct?</p> <p>8 A. Correct.</p> <p>9 Q. It's pretty hard to read in the</p> <p>10 bottom section, so I'm not even going to try. I</p> <p>11 don't even know what's all there. But on the next</p> <p>12 page, Philander, who is being called Williams</p> <p>13 throughout this, gives a pretty detailed</p> <p>14 description about the day that the boys went</p> <p>15 missing; correct?</p> <p>16 A. Correct.</p> <p>17 Q. And he denies having any information</p> <p>18 about their disappearance; would you agree?</p> <p>19 A. Correct.</p> <p>20 Q. And, in fact, he consented to a</p> <p>21 polygraph and apparently passed that polygraph? It</p> <p>22 says, "Results: No knowledge of where or what</p> <p>23 happened to missing boys." Do you see that?</p> <p>24 A. Yes. It happens to be the same</p> <p>25 polygraphist in question for the other one, too;</p>

<p>Tietjen - Direct/Bonjean Page 201</p> <p>1 right?</p> <p>2 Q. Which other one?</p> <p>3 A. The polygraph that Lee Evans took as well.</p> <p>4 Q. Oh, so --</p> <p>5 A. You know, what I'm saying is I only know</p> <p>6 about my polygraphs and their efforts. I have no</p> <p>7 clue of how good the Newark was -- this was back</p> <p>8 in 1978. Or what type of equipment it was.</p> <p>9 Because it wasn't computerized back then. It</p> <p>10 definitely was probably manhandled as far as --</p> <p>11 (Reporter requested clarification.)</p> <p>12 A. It was definitely man-manipulated. You</p> <p>13 know, there was probably some ink and some paper.</p> <p>14 I have no clue what these looked like then so...</p> <p>15 Q. That's very convenient that the</p> <p>16 polygraphs that they passed are unreliable, but the</p> <p>17 polygraphs that you want to be true are reliable;</p> <p>18 correct?</p> <p>19 MR. VOMACKA: Objection to form.</p> <p>20 Answer the question.</p> <p>21 Q. Anyway, but as you sit here today,</p> <p>22 you don't have any basis whatsoever to question the</p> <p>23 reliability of this polygraph; right?</p> <p>24 MR. VOMACKA: Objection to form. Are</p> <p>25 you talking about --</p>	<p>Tietjen - Direct/Bonjean Page 203</p> <p>1 A. I don't recall right now.</p> <p>2 Q. Now, do you recall having</p> <p>3 conversations with Lieutenant Carrega or any other</p> <p>4 member of the team regarding whether or not</p> <p>5 Philander Hampton's statement to the police in '78</p> <p>6 was truthful prior to him coming in?</p> <p>7 A. I don't recall us even addressing the</p> <p>8 statement like that, whether it was truthful or</p> <p>9 not. We were trying -- in my eyes, we were trying</p> <p>10 to interview everybody that was still around to be</p> <p>11 re-interviewed.</p> <p>12 Q. Was there any other witness that you</p> <p>13 know of that was identified as someone who had</p> <p>14 active warrants?</p> <p>15 A. Not that I recall.</p> <p>16 Q. Well, you were asked to look and see</p> <p>17 whether Philander Hampton had active warrants;</p> <p>18 correct?</p> <p>19 A. No, I was asked to look to see like where I</p> <p>20 could find --</p> <p>21 (Reporter requested clarification.)</p> <p>22 A. I don't know if I was called to see if</p> <p>23 there were active warrants because that would be</p> <p>24 something that Lieutenant Carrega could check as</p> <p>25 well. That was just part of my checks to try to</p>
<p>Tietjen - Direct/Bonjean Page 202</p> <p>1 A. I certainly have question now after</p> <p>2 speaking to Philander Hampton and him admitting</p> <p>3 his involvement. I question wholeheartedly about</p> <p>4 the sergeant's ability to do the polygraph on that</p> <p>5 date, which calls into Lee Evans' polygraph with</p> <p>6 that same individual, if he's excluding them</p> <p>7 shortly after the events of the date, and they're</p> <p>8 fresh in their mind, and then later on we have the</p> <p>9 same individual providing information indicating,</p> <p>10 and we also have a polygraph then. Yeah, no, I</p> <p>11 wholeheartedly doubt he was a good polygraphist.</p> <p>12 Q. How about just maybe doubting the</p> <p>13 reliability of polygraphs in general?</p> <p>14 A. No, I don't -- it's independent. I've had</p> <p>15 good success with them.</p> <p>16 Q. Okay. When it proves your theory of</p> <p>17 the case?</p> <p>18 A. No.</p> <p>19 MR. VOMACKA: Objection.</p> <p>20 Argumentative. You can answer.</p> <p>21 Q. You don't have to. I'll withdraw the</p> <p>22 question. Let's move on.</p> <p>23 Were you aware of any other statement</p> <p>24 Philander Hampton had made other than the one that</p> <p>25 we just looked at in Tietjen-2?</p>	<p>Tietjen - Direct/Bonjean Page 204</p> <p>1 find out where he was. Does he, in fact, have</p> <p>2 active warrants?</p> <p>3 Q. And you did do that with respect to</p> <p>4 Philander Hampton; right?</p> <p>5 A. Correct.</p> <p>6 Q. And you did not do that with respect</p> <p>7 to any other witness; correct?</p> <p>8 A. I don't recall if I did or did not. If I</p> <p>9 did, and they had active warrants, I would have</p> <p>10 included their active warrants in there, but I</p> <p>11 didn't have to do a thorough like lookup</p> <p>12 computerized to find other people in here. They</p> <p>13 were where they said, and they were able to be</p> <p>14 contacted.</p> <p>15 Q. But your report does not reflect that</p> <p>16 you did any type of skip trace or warrant search or</p> <p>17 any type of in-depth look for any other witnesses</p> <p>18 but Philander Hampton; correct?</p> <p>19 A. Correct. And Lee Evans.</p> <p>20 Q. And Lee Evans?</p> <p>21 A. Yeah.</p> <p>22 Q. The two of them?</p> <p>23 A. Correct.</p> <p>24 Q. That's it. Okay. Now, when you</p> <p>25 arrived at the Essex County Prosecutor's Office,</p>

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<p>Tietjen - Direct/Bonjean Page 205</p> <p>1 Philander Hampton was there, and he was located 2 physically where, if you remember? 3 A. I don't recall. 4 Q. Do you know if he was in an interview 5 room or some type of -- 6 A. I tried thinking about where it was. I 7 don't recall where he was. 8 Q. All right. Do you have any 9 independent recollection of what you saw with your 10 own two eyes at the Essex County Prosecutor's 11 Office once you arrived? 12 A. I just remember he was there. I have no 13 clue -- like, I don't recall where I saw him 14 there. It wasn't important to me at that point. 15 I wasn't doing an interview there. 16 Q. Do you recall seeing -- I think you 17 said you recall seeing Detective Hadley there as 18 well? 19 A. I said I believe I saw him there. I know 20 we met up at some point that evening, and Sergeant 21 Henry as well, and they all met us at Newark 22 Station to complete the video statement as well. 23 Q. Yeah, I'm trying to focus in a little 24 more on the Essex County Prosecutor's Office at the 25 moment.</p>	<p>Tietjen - Direct/Bonjean Page 207</p> <p>1 A. I think there may have been one in between 2 as well. Just that he was talking or whatever and 3 just going through the process. I don't... 4 Q. Well, that's what I'm talking about. 5 You received another phone call, you think, in 6 between? 7 A. Yeah, I think I testified to that in my 8 Miranda hearing. I don't have it in my reports 9 just because the number of calls. I think 10 somewhere in the middle I got a call that he was 11 willing to take a polygraph. 12 Q. I thought that was the 4:15 call. 13 That's not the 4:15 -- 14 A. No. The 4:15 call was that he -- I think 15 it's he was -- had already taken it. 16 Q. All right. 17 A. I would have to look at my Miranda hearing 18 stuff. I didn't write down in my report as far as 19 those times. 20 Q. Okay. So sometime between 1:00 and 21 4:15, you got a phone call that he was talking and 22 willing to take a polygraph? 23 A. Correct. 24 Q. And did you get any other background 25 information about what he was talking about?</p>
<p>Tietjen - Direct/Bonjean Page 206</p> <p>1 Do you have a specific recollection 2 of seeing either Detective Hadley or Sergeant Henry 3 there? 4 A. Not that I could say for sure 100 percent. 5 Q. Okay. Certainly, you remember 6 Carrega being there; correct? 7 A. Correct. 8 Q. And Eutsey possibly? 9 A. I believe he was there, yes. 10 Q. And you said about 4:15 you got 11 either a text or a phone call from Carrega that 12 said -- that gave you an update on what was going 13 on; right? 14 A. Yes. I'm pretty positive it was a phone 15 call. 16 Q. And had you received any information 17 from Carrega or Eutsey, or any other member of the 18 team, about what had transpired from the time that 19 Philander was taken to the Essex County 20 Prosecutor's Office to the time that you received 21 that phone call at 4:15? 22 A. Just that he was there. 23 Q. Okay. So you got the call that he 24 was there, and then the next update you got was at 25 4:15; right?</p>	<p>Tietjen - Direct/Bonjean Page 208</p> <p>1 A. Just the case, that he was talking. Now, 2 the polygraph would have brought in the fact that 3 he advised that he was involved. 4 Q. Okay. You essentially had been 5 working this case for several months with really no 6 new factual developments other than what's already 7 known since 1978? 8 A. Yep. 9 Q. And now you have Philander Hampton in 10 custody, and you get a phone call from Carrega, and 11 there's a break; right? It's a break in the case; 12 right? 13 A. Correct, yep. 14 Q. So he must have communicated to you, 15 We got a break, he's talking, or something like 16 that; right? 17 A. Yeah, I'm sure he did, and I wish we had 18 his reports to reflect that what he -- 19 Q. Well, don't we all? 20 A. Yeah. 21 Q. But I know your report doesn't 22 reflect what he told you in those phone calls; 23 right? 24 A. No. 25 Q. Is there a reason you don't write</p>

<p>Tietjen - Direct/Bonjean Page 209</p> <p>1 down any contemporaneous notes about what he told 2 you when he reached out to you in those several 3 phone calls? 4 A. I'm not saying I didn't write down any 5 notes. I'm saying I didn't write any in my report 6 because Lieutenant Carrega was going to cover the 7 documentation there. 8 Q. So it's possible that you do have 9 notes that would reflect what Carrega told you? 10 A. If I find them. I don't believe I do, but 11 I said before I would look to see if I have them 12 anywhere. 13 Q. It's possible that you had them at 14 one time? 15 A. At one time, I would have written down the 16 time of my call. That's why I believe back during 17 the Miranda, which was much closer in this event, 18 that I recall the times better. I'm now -- we're 19 talking about 12 years after the fact. 20 Q. If you had written down in your notes 21 that Carrega called you and the time he called you, 22 and perhaps what he told you, why did you not 23 include that in your written report? 24 MS. ROSEN: Objection to form. 25 A. Yeah. Phone calls between detectives</p>	<p>Tietjen - Direct/Bonjean Page 211</p> <p>1 Hampton is advising that he was involved and that 2 I was then going to get permission to see if I 3 could head on down. I was not part of the event 4 that day. I didn't get involved until after 5 Philander Hampton was indicating he had now become 6 involved in the events, outside of just being a 7 potential like witness with information, outside 8 of the facts of the deaths. 9 Q. So I'm just trying to understand, did 10 Carrega indicate just that Philander had admitted 11 in a general way that he was involved, or was it 12 your understanding that he, at that time when he 13 called at sometime before 4:15, was detailing his 14 involvement in the boys' disappearance? 15 A. I don't recall that. It was enough of an 16 importance expressed to me that I wanted to be 17 there and be there for the further interview that 18 was done at Newark Station, but I don't recall 19 what was expressed in that phone call. 20 Q. Well -- 21 A. I didn't have -- I don't have notes or a 22 written-down report of that. 23 Q. No, I understand. But I guess I'm 24 asking you to tax your independent memory the best 25 you can that when you received that call from</p>
<p>Tietjen - Direct/Bonjean Page 210</p> <p>1 aren't written down in the reports. Like, his 2 report will reflect what occurred that day with 3 Philander Hampton. And I don't even know if 4 per se if I wrote stuff down, because I was 5 driving. He referred information to me, and then 6 I got approval to turn around and head back down 7 to Newark. So whether I have or have not, I'm 8 saying I don't recall them. I don't know where 9 they are. I'm not saying -- I'll look certainly, 10 but I don't think anything was left. 11 Q. What's your general memory of what 12 Carrega told you when he essentially communicated 13 that Philander was talking? 14 A. I believe it was that Philander Hampton was 15 providing information of his involvement with Lee 16 Evans. 17 Q. And did Lieutenant Carrega give you 18 any more detail than that, or was it just sort of a 19 summary, he's talking, and he's giving -- 20 A. I really don't recall that. I would have 21 to look at that Miranda hearing if I even stated 22 anything to that fact. 23 Q. I'm sorry. I didn't understand? 24 A. I don't recall facts about it that he was 25 stating to me on the phone. Just that Philander</p>	<p>Tietjen - Direct/Bonjean Page 212</p> <p>1 Carrega, did Carrega communicate to you that 2 Philander Hampton had provided details about both 3 his and Lee Evans' involvement in the boys' 4 disappearance? 5 A. Because that's my recollection. I believe 6 he provided details. I just don't recall what 7 those details in that phone call were. 8 Q. So he had provided details about what 9 happened to the boys? 10 A. No, I can't recall that actual phone call 11 conversation. It was just enough I know that I 12 turned around and also requested permission from 13 my supervisors to go down. I mean, to work 14 overtime in the SPI, I got to get approval from my 15 bureau. So it was something that I had expressed 16 to them was worthwhile of my involvement. 17 Q. And you then received another phone 18 call at 4:15; is that right? 19 A. No. The 4:15 call is the one where I head 20 down. 21 Q. Okay. Well, in the call prior to 22 that, did Carrega indicate that Philander had 23 communicated any details about the offense? 24 A. I don't think there were any details in the 25 call prior, just that he was continuing to talk.</p>

<p>Tietjen - Direct/Bonjean Page 213</p> <p>1 Q. And what did you understand "talk" to 2 me? 3 A. Be interviewed by them, and I believe at 4 some point they were going to do a polygraph with 5 him. 6 Q. So you don't know at that point 7 whether he had provided any information about how 8 the boys disappeared or whether or not he was 9 sticking to his story? 10 A. You're talking the middle call of 11 potentially the three right there, and if I 12 didn't -- I would have gone there. I was down 13 that way. I think I was in like Nutley that day, 14 so I was pretty close. 15 Q. So you're saying if he had given up 16 any critical information at that time, and that was 17 communicated to you, you would have headed there 18 directly; is that right? 19 A. Yeah, probably, yes. 20 Q. But it wasn't until 4:15 that you 21 turned around and went there; correct? 22 A. Correct. 23 Q. And that call at 4:15 is the call 24 that leads you to believe that there's significant 25 information, relevant information, that's being</p>	<p>Tietjen - Direct/Bonjean Page 215</p> <p>1 I touched on the 4:15 phone call in that hearing 2 as well. 3 Q. Now, in this 4:15 phone call, is this 4 when there's some indication about problems with 5 video or recording equipment? 6 A. Not in that phone call. When I arrive, I'm 7 told there's video issues at the Essex County 8 Prosecutor's Office, and Newark Station on the 9 Turnpike has a room capable of it, and then I take 10 time to reach out to the detective there to see if 11 it's in operation, and can we use it. 12 Q. Did you participate at the Essex 13 County Prosecutor's Office in Philander Hampton's 14 interview in any way, shape, or form? 15 A. Which interview? Not in the interview. I 16 definitely had contact with him there, but I 17 didn't interview him. 18 Q. Okay. So let me ask the question 19 again. 20 Did you participate in the interview 21 of Philander Hampton at the Essex County 22 Prosecutor's Office? 23 A. Not that I recall. 24 Q. And when you say not that you recall, 25 is that because you don't have an independent</p>
<p>Tietjen - Direct/Bonjean Page 214</p> <p>1 communicated by Philander Hampton; right? 2 A. Correct. 3 Q. And that he's going to be 4 polygraphed; is that correct? 5 A. I wish we could refer to another report on 6 that as the timing, but I think that's the 4:15 7 one is after the polygraph. 8 Q. Okay. 9 A. So I never saw a polygraph being done when 10 I arrived, and I arrived there only like 11 45 minutes or so after. 12 Q. I see. So your best guess because, 13 again, you weren't there, and you haven't seen any 14 report, is that when you get the call at 4:15, the 15 polygraph has already been conducted? 16 A. Like I said, the recollection of those 17 times and what was said on that phone call, I 18 believe that might have been it, but it's not -- I 19 can't say with 100 percent certainty what was 20 said, or if they were going to be testing what was 21 stated to him already with the polygraph. I 22 don't -- I didn't write that down. I was in the 23 car and just turned around right after -- I'd have 24 -- if I looked at my Miranda, maybe I'd say 25 something back in 2010 to that, because I believe</p>	<p>Tietjen - Direct/Bonjean Page 216</p> <p>1 recollection of it? 2 A. I don't -- like, I don't recall being 3 involved in any interview with Philander Hampton 4 at the Essex County Prosecutor's Office. 5 Q. And if you had been involved directly 6 in the interview of Philander Hampton at the Essex 7 County Prosecutor's Office, do you think you may 8 have memorialized that in your report? 9 A. Yes, I would have put that in my report. 10 Q. And it's not in your report; right? 11 A. That's correct. Correct. 12 Q. Did you -- I'll ask the question 13 slightly differently. 14 Did you observe, either because you 15 were in the room, or had the ability to look inside 16 the room, any portion of the interview that 17 Lieutenant Carrega conducted with Mr. Hampton at 18 the Essex County Prosecutor's Office? 19 A. I don't believe I observed any portion of 20 that interview. It was completed by the time I 21 arrived, to the best of my knowledge. 22 Q. So when you arrived, your 23 understanding was the interview was complete; is 24 that right? 25 A. The interview that took place there.</p>

<p>Tietjen - Direct/Bonjean Page 217</p> <p>1 Q. Right.</p> <p>2 A. They were going to move on to do a</p> <p>3 videotaped one.</p> <p>4 Q. Just to be clear, when you arrived at</p> <p>5 the Essex County Prosecutor's Office, the interview</p> <p>6 that had been conducted with Philander Hampton had</p> <p>7 come to a conclusion to the best of your knowledge?</p> <p>8 MR. VOMACKA: Objection to form. And</p> <p>9 asked and answered. You can answer the question.</p> <p>10 A. I don't know how they ended it, if they</p> <p>11 expressed to him they wanted to get on it video</p> <p>12 and continue it. You know, he was certainly aware</p> <p>13 of that aspect as well so, but I was not involved</p> <p>14 in an aspect of the interview at the prosecutor's</p> <p>15 office that I recall at all.</p> <p>16 Q. Well, I don't want to quibble over</p> <p>17 the word ended. Obviously, it was continued at a</p> <p>18 different location. But my question is when you</p> <p>19 arrive at the Essex County Prosecutor's Office, do</p> <p>20 you have any reason to believe there was any</p> <p>21 additional questioning of him at the Essex County</p> <p>22 Prosecutor's Office after your arrival?</p> <p>23 A. I have no recollection of any occurring.</p> <p>24 Q. Explain to me what your understanding</p> <p>25 of the problems with the videotaping equipment</p>	<p>Tietjen - Direct/Bonjean Page 219</p> <p>1 A. I don't know what they -- what policy they</p> <p>2 were doing or what point they felt or found out</p> <p>3 that the equipment was not functional or what was</p> <p>4 done to memorialize beyond any notes at Essex</p> <p>5 County. My involvement with the interview was on</p> <p>6 the video at Newark Station.</p> <p>7 Q. Prior to November 12th of 2008, to</p> <p>8 the best of your knowledge, every interview had</p> <p>9 been either audio recorded or video recorded of</p> <p>10 witnesses; right?</p> <p>11 A. No every, but most.</p> <p>12 Q. Okay. Can you think of one that</p> <p>13 wasn't?</p> <p>14 A. No, not once -- I knew we were -- we spoke</p> <p>15 to people, like, over the phone. Some are a</p> <p>16 review of their audio statements. Like fire</p> <p>17 statements they made that we didn't audiotape. We</p> <p>18 had them review and sign a form that they reviewed</p> <p>19 it, but we still engaged them in conversation, so</p> <p>20 that's technically an interview as well about the</p> <p>21 case, but the majority of the interviews were</p> <p>22 recorded in some fashion. Mainly taped. I'm not</p> <p>23 going to say that every one was done.</p> <p>24 Q. Okay. Well, that's fair. Maybe not</p> <p>25 every single interview was recorded, but there was</p>
<p>Tietjen - Direct/Bonjean Page 218</p> <p>1 were?</p> <p>2 A. I don't -- I have no clue of what their</p> <p>3 equipment entails or what the issues were or what</p> <p>4 the issues were with the room. So I just was told</p> <p>5 it wasn't operating properly and to seek out</p> <p>6 another location.</p> <p>7 Q. Did you find that concerning as a</p> <p>8 police officer that the video recording equipment</p> <p>9 had not been operating properly while Mr. Hampton</p> <p>10 was being interviewed?</p> <p>11 A. I don't know if his interview of even done</p> <p>12 in the room that was capable of the video, but I</p> <p>13 don't know how the rooms are set up. So I don't</p> <p>14 know. I have no information. I was told that</p> <p>15 their system was nonoperational and that they</p> <p>16 wanted to get Philander Hampton on a video</p> <p>17 interview. So I have no information of what was</p> <p>18 wrong, or if I thought it was odd. We have our</p> <p>19 own station interview systems break down as well</p> <p>20 over the years, some back when they were VHS, and</p> <p>21 then they went to DVD, and then to hard drives.</p> <p>22 Q. Interesting. What was your</p> <p>23 understanding about what policy was being followed</p> <p>24 in connection with what portion of the interview</p> <p>25 should be recorded?</p>	<p>Tietjen - Direct/Bonjean Page 220</p> <p>1 an effort on your part to audio record most of the</p> <p>2 interviews that you conducted prior to November 12,</p> <p>3 2008; right?</p> <p>4 A. Correct.</p> <p>5 Q. And was that pursuant to a policy?</p> <p>6 A. I don't recall what policy was in play back</p> <p>7 in 2008, but the policy has changed throughout the</p> <p>8 years as far as what cases you are investigating</p> <p>9 and when you have to record and not record.</p> <p>10 Obviously, when I started, I didn't have to</p> <p>11 record anything, and that would change throughout</p> <p>12 the years. So I don't recall back in 2008 what</p> <p>13 the policy was that would govern that aspect.</p> <p>14 Q. Well, whose policies were being</p> <p>15 followed in connection with whether or not it was</p> <p>16 obligatory to record these interviews?</p> <p>17 MR. VOMACKA: Objection to the form,</p> <p>18 but you can answer.</p> <p>19 A. Well, the witness interviews were recorded</p> <p>20 to memorialize what they stated in taped fashion</p> <p>21 in addition to, like, the notes we take and</p> <p>22 include them in your report. That's purely a --</p> <p>23 like, not every case -- I haven't taken a taped</p> <p>24 statement in years, and I investigate a lot of</p> <p>25 cases. So that's purely a decision to do to</p>

<p>Tietjen - Direct/Bonjean Page 221</p> <p>1 memorialize, you know, what is said during those 2 events. Now, with these interviews with Essex 3 County, what was done, or what was tried, or what 4 equipment was functional or not functional. I 5 know that we went to Newark. We had a working 6 video room that I confirmed before, and then that 7 interview was videotaped. 8 Q. I appreciate that. I'm asking a 9 different question. Are you saying that you're not 10 aware of any policy that required recording the 11 interviews with either witnesses and/or suspects? 12 MR. VOMACKA: Same objection. 13 MR. LIPSHUTZ: I think he did answer 14 that question already. 15 THE WITNESS: I did. 16 MR. LIPSHUTZ: Objection to form. 17 MS. BONJEAN: Okay. Well -- 18 MR. LIPSHUTZ: You can answer it 19 again. I object to the form. 20 MS. BONJEAN: Yeah, I gotcha. You 21 made your record. 22 Q. My question is, is there a -- was 23 there a policy that you were aware of at the time 24 that you were doing your work on this case in 2008 25 that required law enforcement to record interviews</p>	<p>Tietjen - Direct/Bonjean Page 223</p> <p>1 A. I don't recall what the policy was then. 2 Q. And if there was a policy that 3 existed, what agency would be the agency that you 4 would be following? Do you understand my question? 5 A. You broke up there. 6 Q. Let me back up a second. Obviously 7 the state police had policies; right? 8 A. Yes. 9 Q. And Newark Police Department had 10 policies; correct? 11 A. Yep. 12 Q. And I'm assuming the Essex County 13 Prosecutor's Office had policies; right? 14 A. Correct. 15 Q. Okay. What's your understanding of 16 which one of those agency policies would be in 17 effect in 2008 that the team was obligated to 18 follow? 19 MR. LIPSHUTZ: Objection. There's no 20 foundation for that question. 21 MS. BONJEAN: No foundation that 22 Newark Police Department had policies? That's 23 good to know. 24 MR. LIPSHUTZ: That was not the 25 question, and you're arguing. The question was</p>
<p>Tietjen - Direct/Bonjean Page 222</p> <p>1 with suspects? 2 A. I don't recall what policies were in effect 3 in 2008. If I see some documents, or something 4 that I signed, as far as initial or anything like 5 that, but I don't recall what was in effect in 6 2008. That's what I said before. Like, in 1999 7 when I began, it was very different. At some 8 point, it changed where we were recording suspect 9 interviews. And then it was like first and second 10 degree crimes, and then it was third degree and 11 fourth degree. And I've been removed from having 12 to deal with that for a while, so I'd have to 13 reflect with somebody at a station if I had to do 14 an interview now. But most of my cases are 15 missing persons. If we do, it would have to be 16 videotaped because it would be of an indictable 17 offense; typically a sexual assault involving a 18 missing person. I know that I have to do that 19 now. But in 2008, I can't recall what the policy 20 -- 21 Q. So you don't know whether there was a 22 policy in place in 2008 that obligated you to 23 record the interviews? 24 MR. VOMACKA: Same objection. And 25 asked and answered. You can answer again.</p>	<p>Tietjen - Direct/Bonjean Page 224</p> <p>1 what policies would they follow, when he has 2 testified four times that he doesn't recall the 3 policies, so there's no foundation for your 4 question. 5 Q. I am not asking for you to recall the 6 policy. That's a different question. 7 If you were to actually care to 8 follow a policy, which one would you follow? 9 A. I would follow my policy. 10 MR. LIPSHUTZ: Objection to form. 11 MR. VOMACKA: Objection to form. No 12 foundation, and also argumentative. You can 13 answer the question. 14 Q. Go ahead. You can answer. 15 A. I would follow the policies directed 16 through me by the state, because I would be 17 unaware of the Essex County Prosecutor's policies. 18 If they had other policies, it would upon them and 19 incumbent upon them, to make me aware of that and 20 then abide by their policy. 21 Q. Okay. So if the Essex County 22 Prosecutor's Office had a policy that required the 23 taping of an interview from the minute the person 24 steps into the interview room to the minute they 25 leave the interview room, your view is you would</p>

<p>Tietjen - Direct/Bonjean Page 225</p> <p>1 need to have been told about that policy to follow 2 it; right? 3 MR. VOMACKA: Objection to form. 4 Foundation, calls for speculation. You can answer 5 the question. 6 A. That policy may also have been in effect 7 for us at the time. I'm saying I don't know what 8 was in effect in 2008 and can't recall. So I 9 can't help you with that either. If that was the 10 policy they had, someone should have abided by it. 11 I have not looked at the paperwork to explain why 12 what was done was done or why things weren't done. 13 Q. Do you not recall the policies 14 because you have forgotten them, or you never found 15 out what they were in the first place? 16 A. No, I'm sure I found out. But to recall 17 what policies were in effect for me on my job in 18 2008, I have no clue what changed there from 2009 19 to 2008. I know what I have to deal with today. 20 Why would I care about what happened in 2008 for a 21 policy like -- 22 Q. Because you're investigating a case, 23 and -- 24 A. No. In 2008, I'm sure I knew what the 25 policy was. Today I can't recall it. Like,</p>	<p>Tietjen - Direct/Bonjean Page 227</p> <p>1 room in Newark that had the proper operational 2 equipment, and I was told that the Essex County 3 equipment was not operational on that day. 4 Q. And you don't know why it wasn't 5 operational? You just took someone's word for it; 6 right? 7 A. Correct. 8 MR. VOMACKA: Objection to form. 9 Asked and answered. You can answer. 10 A. Correct. 11 Q. And did you ever ask whether or not 12 the interview of Philander Hampton that took place 13 at the Essex County Prosecutor's Office had been 14 audio taped in some way? 15 A. I don't recall that I asked that. I may 16 have. 17 Q. And did you find out an answer to 18 that question? 19 A. I don't recall. Again, I said I don't even 20 recall asking that question. That was, like, if I 21 had Lieutenant Carrega's report that covered that, 22 that'd be great. 23 Q. Right. So anything else that sticks 24 out in your head about what transpired at the Essex 25 County Prosecutor's Office after you arrived there,</p>
<p>Tietjen - Direct/Bonjean Page 226</p> <p>1 enough, geez. 2 Q. Okay. Fine. But what I'm saying is 3 I can't seem to even get a clear answer about 4 whether or not you believed you would have been 5 subject to the policies of a different agency other 6 than the state police? 7 A. No. Their policies are subject to them, 8 and they go under the guidelines of the attorney 9 general's office and make their policy. They can 10 go above and beyond policy and create their own, 11 which I would be completely unaware of, so I would 12 have no awareness of -- no even knowledge of their 13 policy. Whether they said you had to wear a green 14 tie on Tuesday, I would not know that. 15 Q. So you don't know whether you 16 complied with Essex County Prosecutor's policies? 17 You can't say whether you did or not? 18 A. I have no recollection of what was in 19 effect in 2008. 20 Q. And you can't say whether or not you 21 complied with Newark Police Department policies; 22 right? 23 A. No, I don't have their policy. I know that 24 we went and did when we were involved, that we got 25 forwarded for a video recorded statement in the</p>	<p>Tietjen - Direct/Bonjean Page 228</p> <p>1 you know, shortly after 5 o'clock, or whenever it 2 was, other than being informed that the equipment 3 wasn't working? 4 A. No. 5 Q. Do you recall anyone telling you 6 about what Philander had said in the preceding four 7 hours? 8 A. No. He admitted and indicated his 9 involvement with the case. Indicated events that 10 occurred that night. I don't know what was truly 11 said or not. That's where I would refer to 12 Lieutenant Carrega's documentation of that. 13 Q. So when you say your understanding 14 that he indicated his involvement, does that mean 15 it was your understanding that he had given some 16 details about what actions he took that evening 17 that would indicate his involvement? 18 A. Correct. 19 Q. Okay. And that he also indicated, I 20 assume, Lee Evans' involvement; is that right? 21 A. Correct. 22 Q. And that he told Carrega during this 23 four-hour period at some point what Lee Evans had 24 done with the boys during this time period back in 25 August of 1978?</p>

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<p>Tietjen - Direct/Bonjean Page 229</p> <p>1 A. Correct.</p> <p>2 Q. And at this point certainly, you all</p> <p>3 were on all on the same page and understood that</p> <p>4 Philander has now inculpated himself in the crime;</p> <p>5 right?</p> <p>6 MR. VOMACKA: Objection as to form</p> <p>7 and foundation. You can answer.</p> <p>8 A. I would understand that I was aware. I</p> <p>9 would assume that others who had that information</p> <p>10 as well were aware.</p> <p>11 Q. Well, based on what information he</p> <p>12 provided, he wasn't just a, you know, bystander;</p> <p>13 right?</p> <p>14 A. Correct.</p> <p>15 Q. Any other details that you remember</p> <p>16 being told about what Philander told Carrega during</p> <p>17 1 o'clock and 4 o'clock, or 5 o'clock, when you</p> <p>18 arrived?</p> <p>19 A. No.</p> <p>20 Q. Do you remember any details about the</p> <p>21 crime itself that was conveyed to Carrega?</p> <p>22 A. They would mix into what I have from my</p> <p>23 video recollection of sitting down with him, so I</p> <p>24 can't recall what was totally all told to me then</p> <p>25 or what we were able to listen to in the video.</p>	<p>Tietjen - Direct/Bonjean Page 231</p> <p>1 not -- I know he was already under arrest and in</p> <p>2 custody, but he was not placed under arrest</p> <p>3 separately for any --</p> <p>4 A. Sure.</p> <p>5 Q. Hold on. Let me finish, for the</p> <p>6 record, okay.</p> <p>7 On November 12, 2008, prior to going</p> <p>8 to Newark Station, Philander Hampton was not</p> <p>9 arrested in connection with any charges related to</p> <p>10 the disappearance of the boys; right?</p> <p>11 A. Correct.</p> <p>12 Q. So did he give his consent to go to</p> <p>13 Newark Station?</p> <p>14 A. I don't know what he gave. That would be</p> <p>15 something that Lieutenant Carrega would testify or</p> <p>16 write to.</p> <p>17 Q. You didn't speak to him directly</p> <p>18 about that, and you weren't privy --</p> <p>19 A. I had some conversation expressing we were</p> <p>20 going there, because I certainly wanted to make my</p> <p>21 appearance known to him, instead of just stepping</p> <p>22 in, because I was going to be in the interview</p> <p>23 room there. I, you know, kind of recall having a</p> <p>24 minimal conversation with him about that we would</p> <p>25 be going to Newark Station because the video</p>
<p>Tietjen - Direct/Bonjean Page 230</p> <p>1 Q. All right. But shortly after you</p> <p>2 arrived, you were able to confirm video equipment</p> <p>3 at the Newark Station is working and operational;</p> <p>4 right?</p> <p>5 A. Correct.</p> <p>6 Q. And you get approvals to, I guess, go</p> <p>7 there to meet Philander Hampton to take his</p> <p>8 statement?</p> <p>9 A. Correct.</p> <p>10 Q. Did anyone indicate -- strike that.</p> <p>11 Was Philander Hampton free to leave</p> <p>12 at that point?</p> <p>13 A. He was still in custody at the Essex County</p> <p>14 jail on his warrant; so, no, he was not.</p> <p>15 Q. Putting aside his warrant, would you</p> <p>16 say that if he wasn't under -- if there was no</p> <p>17 warrant, would he have been placed under arrest, or</p> <p>18 was -- strike that.</p> <p>19 Was he placed under arrest?</p> <p>20 A. He was already under arrest. He was never</p> <p>21 charged that night for anything he indicated in</p> <p>22 any of those statements. So there were no charges</p> <p>23 and no arrests for anything he advised us that</p> <p>24 evening.</p> <p>25 Q. Okay. That's my question. He was</p>	<p>Tietjen - Direct/Bonjean Page 232</p> <p>1 camera at Essex County was not operating properly,</p> <p>2 but I don't have that, you know, written down. I</p> <p>3 just remember that occurring. I don't know what</p> <p>4 time that was or who was with me or what room I</p> <p>5 saw him in when I had that conversation with him.</p> <p>6 Q. All right. And then you all depart</p> <p>7 in different vehicles; is that right?</p> <p>8 A. Yes.</p> <p>9 Q. Did you drive your own vehicle?</p> <p>10 A. I did, yes.</p> <p>11 Q. And with whom did Philander Hampton</p> <p>12 drive?</p> <p>13 A. I know he was with Lieutenant Carrega. I</p> <p>14 don't know if anyone else was with him.</p> <p>15 Q. Do you know whether Philander Hampton</p> <p>16 was in handcuffs?</p> <p>17 A. I imagine he was since he was still under</p> <p>18 arrest and in custody, but I don't have -- like,</p> <p>19 that didn't affect my judgment. It wasn't</p> <p>20 something burned into my memory, but I imagine</p> <p>21 when he came in the station, he was still in</p> <p>22 handcuffs because he was still under arrest for</p> <p>23 his warrant, but I can't recall whether he was or</p> <p>24 wasn't to say anything different. We returned him</p> <p>25 to the jail under arrest as well.</p>

<p>Tietjen - Direct/Bonjean Page 233</p> <p>1 Q. Okay. Well, my question is do you 2 recall whether or not he was actually handcuffed 3 when he was placed in Lieutenant Carrega's car? 4 A. I didn't see him placed in the car, so no. 5 Q. He wasn't placed in the car? 6 A. I didn't see him go into the car, no. I 7 went to the station before they got out to their 8 vehicles and was there, and then they arrived 9 after my arrival, so... 10 Q. Fair enough. So you left Essex 11 County Prosecutor's Office a little before them and 12 got to the station -- 13 A. Yes. 14 Q. So you don't really know how it was 15 all configured, who drove with who, except you 16 later learned he was with Carrega; right? 17 A. I don't recall being any part of it. 18 Whether I was or not, I don't -- it's not burned 19 in my memory a ride down the elevator with all of 20 us in there. I just know I got to Newark Station 21 prior to their arrival. 22 Q. Okay. According to your report, you 23 met with Detective Velazques at Newark Station at 24 approximately 7:30 p.m., and Philander Hampton 25 arrived shortly after; right?</p>	<p>Tietjen - Direct/Bonjean Page 235</p> <p>1 A. No, that to me isn't very long. 2 Q. How long were you at the Essex County 3 Prosecutor's Office? 4 A. Probably about an hour, hour and 15, hour 5 and 20. 6 Q. What were you doing during that hour 7 and 20 minutes? 8 A. Probably to identify where we were going to 9 videotape. I don't know. I have no recollection 10 of anything important occurring as far as what I 11 did there. I was told at some point there that 12 their equipment was inoperational [sic] and to 13 seek out an alternate location. That's what I 14 did. Then I went to Newark Station. 15 Q. You made some phone calls? 16 A. What? 17 Q. You made a phone call or two; right? 18 A. Oh, yeah. Yeah, yeah. 19 Q. These weren't in-depth phone calls? 20 They were -- right? 21 A. No, they were request phone calls and 22 probably a call back indicating if he can respond 23 in to Newark to assist with it as well. So 24 there's a delay. Because he would have to get 25 approval from his bosses as well to assist. So</p>
<p>Tietjen - Direct/Bonjean Page 234</p> <p>1 A. Correct. 2 Q. So there's a gap of time. I'm 3 wondering where you were. Because according to 4 you, you got that phone call at 4:15 p.m., and you 5 probably arrived around 5:00, you said; right? 6 A. Yeah, five-something. 7 Q. And you're at Newark Station at about 8 7:30. What did you do between 5:00 and 7:30? Part 9 of it was at the Essex County Prosecutor's Office. 10 But what else? 11 A. Sure. Certainly trying to find a location 12 to do the video statement. Christian Velazques, 13 if I recall correctly, he wasn't working. 14 (Reporter requested clarification.) 15 A. Christian Velazques was the detective at 16 the station. If I'm recalling correctly, I called 17 him, and he was home and had to get approval to 18 come in and use the system as well. So I really 19 don't think that's a big delay, because I arrived 20 at Essex County a little after five, that I am now 21 arriving at Newark Station on the Turnpike at 22 7:30. 23 Q. Well, you suggested earlier that you 24 weren't at Essex County Prosecutor's Office for 25 very long?</p>	<p>Tietjen - Direct/Bonjean Page 236</p> <p>1 there's -- like, an hour and 20 minutes in police 2 speak is nothing. 3 Q. And you -- were you in the room where 4 Hampton Philander was, or were in some separate 5 area? 6 A. No. It's a large building and large office 7 space. I don't recall which room Philander was 8 in. 9 Q. The question is were you in the room 10 with Philander? I don't care how big that building 11 is. 12 A. I said before I recall seeing him at some 13 point, having some conversation with him. I was 14 not in the room when I was dealing with Christian 15 Velazques with Philander. 16 Q. What conversation did you have with 17 Philander? I thought you didn't have. 18 A. No. I said to you before -- we can reflect 19 back -- I had an introduction with him. Like I 20 said, I was trying to introduce myself at Newark 21 Station, indicating that we'd be going to Newark 22 Station to do the video because we couldn't do it 23 there, and that's what I previously stated to you. 24 Q. That's the sum total of the 25 conversation?</p>

<p>Tietjen - Direct/Bonjean Page 237</p> <p>1 A. Pretty much. I don't recall much more 2 occurring. 3 Q. How long is it the Essex County 4 Prosecutor's Office to Newark Station? It's not 5 too far? 6 A. Not too far, but depending traffic. I 7 mean, you live in Brooklyn. It's probably about 8 five miles, which can take up to 20 minutes. So, 9 I don't know, depending, that time of day, you're 10 dealing with rush hour still ending out, you're at 11 least 15 minutes away. 12 Q. Right. But other than what you 13 testified to, you can't tell me anything else you 14 were doing during that time period; right? 15 A. Correct. 16 Q. You said you went -- you started 17 there before the other officers and Philander 18 arrived. Were you in contact with them via 19 telephone before they arrived at Newark Station? 20 A. I don't recall any conversations occurring. 21 Q. Okay. You later learned, did you 22 not, that they apparently stopped because Philander 23 Hampton was eager to point out the place where he 24 had participated in the murder of five children? 25 A. Correct.</p>	<p>Tietjen - Direct/Bonjean Page 239</p> <p>1 can answer. 2 Q. I know you haven't reviewed the 3 transcript, but if Lieutenants Carrega testified to 4 that, do you have any reason to doubt that? 5 A. No. 6 MS. ROSEN: Objection to form. 7 Q. And would it be fair to say that you 8 have zero idea what was communicated between 9 Philander Hampton and Lieutenant Carrega in his 10 police vehicle between leaving Essex County 11 Prosecutor's Office to arriving in Newark Station? 12 MR. VOMACKA: Objection to form. But 13 you can answer. 14 A. No. 15 Q. You don't know what transpired; 16 correct? 17 MR. VOMACKA: Same objection. 18 A. No. 19 Q. You have no idea what Philander said 20 to Lou Carrega, and you have no idea what Lou 21 Carrega said to Philander Hampton in the vehicle; 22 correct? 23 MR. VOMACKA: Same objection. 24 A. I stated that. 25 Q. I'm sorry?</p>
<p>Tietjen - Direct/Bonjean Page 238</p> <p>1 Q. Did Philander Hampton seem to you to 2 be -- I know you're not an expert on this, but did 3 he seem to you to be mentally disabled in any way? 4 A. No. He appeared to be very with it, and I 5 would say he appeared to have like a stress lifted 6 off of him, and he was rather forthcoming in my 7 involvement in the audiotape -- I mean the 8 videotape. He appeared to be very, like it was 9 just a pressure lifted off of him. 10 Q. Even though he was essentially 11 implicating himself in the murders of five 12 children? 13 A. Correct. He's had this weight for 30 years 14 on him, you know, and... 15 Q. And he gets picked up on a traffic 16 warrant and, whoop, that's when he decides to give 17 it all up? I mean, does that seem logical to you? 18 A. Very. 19 Q. Okay. So according to the Lieutenant 20 Carrega, I believe, and, again, you'll have to take 21 my word for it, unless you want to look at the 22 testimony, but that he drove Philander Hampton to 23 the Newark Station in his car with no one else 24 present? 25 MS. ROSEN: Objection to form. You</p>	<p>Tietjen - Direct/Bonjean Page 240</p> <p>1 A. I stated that. No, I have no idea what 2 occurred in the car. 3 Q. Did you later learn that they stopped 4 at a location where allegedly Philander Hampton 5 said, "This is where it happened"? 6 A. Yes. And I stated that just previously 7 about a minute and a half ago. 8 Q. Okay. And how did you learn that 9 information? 10 A. Lieutenant Carrega told me at Newark 11 Station. 12 Q. When he arrived, he said, "Oh, he 13 showed us where it was at"? Something like that? 14 A. Correct. 15 Q. And did he give you any other details 16 in that conversation? 17 A. There was a telephone pole, I think, in the 18 front area of the street that Philander Hampton 19 said it was right in this area. Whether that's 20 the same location of the pole back in 1978 or not 21 is unknown to me, but he pointed out the new 22 residence that was standing on that property. 23 Q. So he communicated to you that 24 Hampton had said, "I remember where this happened 25 because, whatever, 30 years earlier, I remember</p>

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<p>Tietjen - Direct/Bonjean Page 241</p> <p>1 this telephone pole here"?</p> <p>2 A. Well, Hampton had lived at the residence</p> <p>3 prior. So him finding the residence at 256</p> <p>4 Camden, I don't think would be that difficult for</p> <p>5 him to pick out on the street where that residence</p> <p>6 was located.</p> <p>7 Q. I don't disagree. I'm just asking if</p> <p>8 that's how it happened?</p> <p>9 A. Yes, that's what was expressed to me, that</p> <p>10 he led them there to that location.</p> <p>11 Q. And having run the background of</p> <p>12 Hampton, you knew that that was, had been one of</p> <p>13 his addresses; right?</p> <p>14 A. I don't know if that came up as an address</p> <p>15 for him in anything that I saw. I had 271</p> <p>16 Hunterdon and 256 Camden. I believe him living</p> <p>17 there was something he provided to us, but I don't</p> <p>18 recall if it was mentioned as any prior</p> <p>19 residences. I don't recall that address per se</p> <p>20 coming up in an interview.</p> <p>21 Q. Okay. And 256 Camden, did you go to</p> <p>22 that location?</p> <p>23 A. Not that day.</p> <p>24 Q. At some point you did?</p> <p>25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 243</p> <p>1 Q. It's kind of stunning; isn't it?</p> <p>2 MR. LIPSHUTZ: Objection to the form.</p> <p>3 MR. VOMACKA: Objection to the form.</p> <p>4 Q. Do you agree with that?</p> <p>5 A. In my opinion, yes.</p> <p>6 Q. All right. So once at Newark</p> <p>7 Station, did you see the other officers who were</p> <p>8 involved in the case present as well?</p> <p>9 A. Correct.</p> <p>10 Q. And that would have been Agent Eutsey</p> <p>11 was there; right?</p> <p>12 A. I believe it was Eutsey, Henry, Hadley,</p> <p>13 Carrega, and myself. Philander.</p> <p>14 Q. The whole crew; correct?</p> <p>15 A. Correct.</p> <p>16 MR. LIPSHUTZ: Objection to the form.</p> <p>17 Q. And where was Hampton taken inside</p> <p>18 Newark Station, if you know?</p> <p>19 A. The upstairs is where the offices are on</p> <p>20 the second floor of the toll building. He was</p> <p>21 brought in there, and then he was brought into the</p> <p>22 interview room. I don't recall if he was ever put</p> <p>23 in the cell area there. It's a large like cell.</p> <p>24 It can hold like 30 people. I don't recall if he</p> <p>25 went there first or went directly into the</p>
<p>Tietjen - Direct/Bonjean Page 242</p> <p>1 Q. And that is located between 15th and</p> <p>2 16th Streets? Do you remember that?</p> <p>3 A. I didn't look at a map. I don't -- that is</p> <p>4 -- I believe that's probably correct, if you're</p> <p>5 looking at a map there.</p> <p>6 Q. And the back side of the building is</p> <p>7 on Bergen?</p> <p>8 A. Correct.</p> <p>9 Q. So did you put together at that</p> <p>10 point -- well, strike that. I'll ask that in a</p> <p>11 minute.</p> <p>12 So you get to Newark Station, and you</p> <p>13 get this information from Carrega. Again, you're</p> <p>14 assuming Carrega is going to write this all up in</p> <p>15 his report; right?</p> <p>16 A. Correct.</p> <p>17 Q. That would be protocol; correct?</p> <p>18 A. That would be, like, the normal thing to</p> <p>19 do.</p> <p>20 Q. Not only normal, but a particularly</p> <p>21 important thing to do, given the fact that someone</p> <p>22 is confessing to the murder of a five kids in a</p> <p>23 crime that has gone uninvolved for 30 years; right?</p> <p>24 MR. LIPSHUTZ: Objection to the form.</p> <p>25 A. Correct.</p>	<p>Tietjen - Direct/Bonjean Page 244</p> <p>1 interview room.</p> <p>2 Q. I'm sorry to go back. I meant to ask</p> <p>3 this question. You never saw Miranda warnings</p> <p>4 given to Hampton at the Essex County Prosecutor's</p> <p>5 Office; right?</p> <p>6 A. I wasn't there for that, no.</p> <p>7 Q. So that's a no; correct?</p> <p>8 A. Correct.</p> <p>9 Q. Did you see Miranda warnings given to</p> <p>10 him at any point at Newark Station?</p> <p>11 A. Yes.</p> <p>12 Q. At which point did you observe that?</p> <p>13 A. The beginning of the videotaped statement.</p> <p>14 Q. Does the beginning of the videotaped</p> <p>15 statement actually articulate the Miranda warnings?</p> <p>16 A. I believe we have a signed form that he</p> <p>17 goes through and all that. I haven't seen the</p> <p>18 tape, if that was picked up on, but I believe at</p> <p>19 the beginning, we have a form we went through, and</p> <p>20 I believe it was on video. We can look at the</p> <p>21 transcript of the video.</p> <p>22 Q. Yeah, we can look real quick. I just</p> <p>23 want to confirm that.</p> <p>24 A. I'm pretty sure he checked off all the</p> <p>25 boxes, read through it.</p>

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<p>Tietjen - Direct/Bonjean Page 245</p> <p>1 Q. Okay. That's fine. I see it in the 2 statement, if you want to go ahead and look, you're 3 free to. 4 A. Right in the beginning of the statement. 5 Q. Who was present in the room when this 6 recorded statement took place? 7 A. Lieutenant Carrega, Hadley, and myself. 8 Q. And was there any conversation that 9 took place between any police officer and Philander 10 Hampton at Newark Station prior to this statement? 11 A. Well, there's incidental conversations, so 12 yes, like we'll ask him where he's going, do you 13 need anything, do you need to use the bathroom? 14 So, yes, there's conversation, but no interview 15 conversation whatsoever. 16 Q. So no questions about the substantive 17 nature of the events, but just, you know, bathroom, 18 sort of housekeeping things; right? 19 A. Correct. 20 Q. And you're now in -- strike that. 21 You're now in the interview room. 22 And the statement commences at what time; do you 23 know? 24 A. Look at the statement form there. 25 Q. I don't know if the transcript</p>	<p>Tietjen - Direct/Bonjean Page 247</p> <p>1 between 1 or 2 o'clock on November 12, 2018, but 2 this is the first time that there is an audio or 3 video recording taking place that is going to 4 memorialize their conversation; right? 5 A. To the knowledge that I have, yes. 6 Q. And, in fact, there's actually not a 7 single note or report or piece of paper with words 8 on it that memorialize what occurred between 1 9 o'clock and 8:18 p.m. that was prepared within a 10 year of the event; right? 11 MR. LIPSHUTZ: Objection to the form. 12 It's very unclear what you're asking. 13 MS. BONJEAN: Well, I'll rephrase. I 14 mean it doesn't really matter whether you 15 understand it. It really matters whether he does, 16 but I'll rephrase. 17 Q. We know that Lieutenant Carrega did 18 eventually prepare a report; right? 19 A. Correct. 20 Q. That was after the Miranda hearing; 21 correct? The commencement of the Miranda hearing; 22 right? 23 A. Correct. 24 Q. Putting that aside, are you able to 25 point me to any piece of paper with words on it</p>
<p>Tietjen - Direct/Bonjean Page 246</p> <p>1 reflects it, or perhaps the video reflects it. It 2 says 8:18 p.m. 3 A. Okay. 4 Q. If you look at -- 5 MS. BONJEAN: I don't think we need 6 to -- actually, I guess we can mark it. Let's 7 mark it. Hampton's statement -- where are we at, 8 Audrey? 9 COURT REPORTER: Five. 10 MS. BONJEAN: Tietjen-5 is Hampton's 11 statement. 12 (Tietjen-5, transcript of Philander 13 Hampton interview 11/13/08, Bates ECPO 000342 14 through 426, was received and marked for 15 identification.) 16 A. What page do you see? 17 Q. Yeah. On the third page of the 18 statement, which is Bates stamped ECPO 334, and 19 it's at line 16. 20 A. Okay. 21 Q. Lieutenant Carrega indicates that 22 it's 8:18 p.m.; right? 23 A. Right. 24 Q. So Philander Hampton has been in the 25 custody and care of Lieutenant Carrega since</p>	<p>Tietjen - Direct/Bonjean Page 248</p> <p>1 that would memorialize what transpired between 1 or 2 2 o'clock in the afternoon on November 12, 2008, 3 and 8:18 p.m. on November 12, 2008, between Carrega 4 and Hampton? 5 MR. LIPSHUTZ: Objection to the form. 6 A. I have no documents that show that, but he 7 did take a polygraph. There should be a report 8 related to that in Essex as well. And I don't 9 know who did it, but I think it was Kelly is his 10 last name. I think he was one of their 11 polygraphists there. I don't know if he was the 12 only one. So that may have some sort of 13 documentation if he did, in fact, administer the 14 polygraph. But there's nothing in the paperwork 15 provided to me that indicates anything. 16 Q. Right. Kelly's polygraph report 17 would reflect what Kelly did in terms of his 18 polygraph test; right? 19 A. Yeah, I don't know if he does -- I haven't 20 seen it, and I don't know what his style is. I 21 don't know if he includes, I went there, and the 22 guy was here voluntarily, and he was Mirandized. 23 In some of our reports, we'll just say, as far as 24 our agency has to do with other agencies or 25 whatever, they'll provide some background of what</p>

<p>Tietjen - Direct/Bonjean Page 249</p> <p>1 they're there for just to cover how they ended up 2 there. 3 Q. Right. But you wouldn't expect his 4 polygraph report to memorialize conversations that 5 Hampton had with Carrega that he wasn't present 6 for; right? 7 A. I don't know what to expect to from that. 8 Q. And Lieutenant Carrega handled the 9 questioning of Mr. Hampton during the recorded 10 statement that began at 8:18 p.m.; right? 11 A. Correct. 12 Q. Was Detective Cassian there as well? 13 A. I don't know who Detective Cassian is. 14 Q. I don't either. I see a reference to 15 that in the statement on -- 16 A. Oh, that's probably me. Whoever 17 transcribes these statements that we were involved 18 in is horrible, and there's no corrections made. 19 Like, I may be -- I don't know who I'm in there 20 as. 21 Q. It looks like -- 22 A. Correglia is Lieutenant. There's Hadley. 23 And then Tietjen, they come up with from Cassian. 24 Q. So that's you. Okay. 25 A. And I don't know, without looking at it, if</p>	<p>Tietjen - Direct/Bonjean Page 251</p> <p>1 nobody had told us that, so this is new to me, and 2 I don't think -- so we took many steps to try to 3 verify that it, in fact, occurred. 4 Q. And, in fact, Hairston had actually 5 noted the actual fire? 6 A. I would imagine that fire that he looked up 7 on Camden and 15th, but he uses a different 8 address, the corner of. 9 Q. He said 15th and Bergen, right. 10 A. Right. So I would imagine that's actually, 11 but the fires we looked up, we had 15th and 12 Camden, but I did not readily identify from 13 Hairston's 1970-whatever that this was the same, 14 but I'm not -- you know, I'm not from Newark. I 15 don't... 16 Q. Did it give you pause that Philander 17 Hampton was saying that these boys had died in a 18 fire given the fact no bodies had been found? Did 19 that give you pause or concern? 20 A. No. I've been in this unit now for quite a 21 few years, and the destruction that fire causes to 22 human remains is pretty significant. Even the 23 decomp of remains just that in open air and woods 24 or yards, you can walk past most of a human remain 25 with debris on them and never notice it, so I was</p>
<p>Tietjen - Direct/Bonjean Page 250</p> <p>1 all of these are truly who they say they are or 2 I'm mixed in with somebody else as well. 3 Q. When you went into this interview, 4 though, you had no knowledge about what Philander 5 Hampton had already confessed to other than just 6 sort of a general idea; right? 7 A. I had a general event to it. The location. 8 You know, especially after getting to the station 9 and pointing out where it was, and what he was 10 advising. I don't know what -- how far involved I 11 knew. I probably knew some significant parts of 12 it, but the total event that we wanted to get 13 memorialized on the videotaped statement. 14 Q. Was November 12, 2008, the first time 15 that -- strike that. 16 As of November 12, 2008, the idea, 17 theory that the boys had died in a fire was 18 reignited -- no pun intended -- right? 19 A. That was the first that I became aware that 20 it was a concern for us. We talk about Hairston 21 looked at fires that were active in the city back 22 on that day. This was like crazy new news to me 23 because I had thought that had been excluded 24 previously. Granted, they could have been 25 certainly, you always keep that in mind, but</p>	<p>Tietjen - Direct/Bonjean Page 252</p> <p>1 not concerned. My concern personally was did they 2 do any examination of this fire and what was the 3 potential normal course of business of the fire in 4 the city once we, you know, came up with a fire 5 potential that was there a fire. Newspaper 6 article, and go get the fire logs. 7 Q. Did you confirm a fire did place at 8 256 Camden Street before you permitted Philander 9 Hampton to -- 10 A. No. 11 Q. I'm sorry? 12 A. No. 13 Q. So when Philander Hampton made this 14 statement, your testimony is you didn't even know 15 whether there had been a fire at 256 Camden? 16 A. Correct. 17 Q. Okay. Do you know how long the 18 statement took? I guess maybe it reflects -- 19 A. There is an end time on the statement as 20 well so... 21 Q. The record reflects that the 22 statement ended at 9:23 roughly, so he was in there 23 talking for about an hour; right? 24 A. Correct. 25 Q. And after he made this statement, was</p>

<p>Tietjen - Direct/Bonjean Page 253</p> <p>1 he placed under arrest in connection with the 2 disappearance of the boys? 3 A. No. 4 Q. Why not? 5 A. I believe they wanted to verify things that 6 he stated. This is new information to us, unknown 7 to me at all. So him making those comments, I 8 want to verify a whole bunch facets to it. 9 Q. Right. But you would agree that a 10 video-recorded statement like this definitely gave 11 you probable cause to arrest him; right? 12 A. Correct. It wasn't my call. Like, this 13 was -- I would say in my experience my first time 14 I found somebody who had admitted to something 15 like this and they weren't charged right away, and 16 I had never -- I've interviewed plenty of people 17 before and arrested them based upon their 18 statements, but this one, it's not my case, and it 19 was decided, I guess, outside of me that he 20 wouldn't be charged at this point, to then 21 corroborate the things that he provided in his 22 statement. 23 Q. He was let go; right? 24 A. He was brought to Essex County jail and 25 then subsequently released there on bail.</p>	<p>Tietjen - Direct/Bonjean Page 255</p> <p>1 A. Right. 2 MR. LIPSHUTZ: Objection. 3 Argumentative. 4 Q. But you're not disagreeing that there 5 was sufficient evidence to arrest and charge him at 6 that point if somebody wanted to? 7 A. No, I don't make that determination. I 8 would present those factual things to a judge who 9 would make the determination of probable cause, so 10 I would think that an admission to that with 11 pointing out a location would be something I would 12 write down and present to a judge, but that's me, 13 and that's my -- this is a very different case 14 with the amount of time and involvement. 15 Q. Yeah, it's ultimately a judge that 16 would make a probable cause determination, but 17 before you can even get in front of a judge, an 18 arrest usually has to be made, and that requires a 19 police officer to make the probable cause 20 determination. 21 As a police officer, you would agree 22 that a confession, this confession, hour-long 23 confession, would have given you probable cause to 24 arrest Philander Hampton; correct? 25 A. I would think possible, yes.</p>
<p>Tietjen - Direct/Bonjean Page 254</p> <p>1 Q. Right. On bail? For a traffic 2 warrant? 3 A. Well, that's why you're in jail. You're in 4 jail in lieu of the bail. This is before the Bail 5 -- 6 (Reporter requested clarification.) 7 A. He had bail on him. That's why he was at 8 the county jail. Whether he appeared before a 9 judge who then said, Your time served in the jail 10 is good enough, let's release you and forego any 11 payment the bail, or he did come forward with the 12 money to remove himself from the jail. 13 Q. So the three days he was in there 14 before he was dragged into the Essex County 15 Prosecutor's Office, he couldn't make the bail on 16 the traffic warrant ticket, but he did the day 17 after you brought him? 18 A. I don't know if he made bail or had an 19 appearance or what. 20 Q. All right. But he was released into 21 the public -- 22 A. Correct. 23 Q. -- after giving a video-recorded 24 statement in which he played a direct role in the 25 murders of five children; right?</p>	<p>Tietjen - Direct/Bonjean Page 256</p> <p>1 Q. But I understand it wasn't your 2 decision to make, but you're not disagreeing that 3 the proofs were there for an arrest to be made if 4 that was the decision of the decision-maker? 5 A. I would agree with that. Definitely if he 6 was free there sitting there and came in to speak 7 with me, and he admits to it, he's not going home 8 that day. 9 Q. Right. 10 A. That's my -- that's how I would handle it. 11 Q. I understand. I understand. That's 12 not what happened, and you returned him to the 13 Essex County jail? 14 A. Correct. 15 Q. And at some point, he was released. 16 We don't know exactly how. And he remained out for 17 some time; right? 18 A. Correct. 19 Q. Do you know how long he was out 20 before he was arrested and charged? 21 A. We arrested him in March of 2010. I don't 22 know if he was arrested for other crimes in the 23 interim there, but that's when we arrested him 24 again. 25 Q. So he was literally out after</p>

<p>Tietjen - Direct/Bonjean Page 257</p> <p>1 confessing in his court-reported statement for --</p> <p>2 my math isn't good -- but for a year and a half</p> <p>3 about; right?</p> <p>4 A. Correct.</p> <p>5 MR. LIPSHUTZ: Objection to the form.</p> <p>6 Q. And it didn't take you that long to</p> <p>7 corroborate what he said in that statement; right?</p> <p>8 MR. LIPSHUTZ: Objection to the form.</p> <p>9 A. There were many steps being done. If you</p> <p>10 see that my involvement became -- I was</p> <p>11 transferred to the Fugitive Unit for a promotion</p> <p>12 in December of that year, so my involvement</p> <p>13 started to drop off. And then at the time of the</p> <p>14 arrest, I was fully in the Fugitive Unit as well.</p> <p>15 So I don't know what steps. They were looking for</p> <p>16 other witnesses, if they trying to look at</p> <p>17 neighbors, find reports of the fire. I think they</p> <p>18 were concerned about -- I'd say it's a large case,</p> <p>19 a 30-year-old case, so you're trying to get all</p> <p>20 the information. There was no true fear that he</p> <p>21 was going to beat feet.</p> <p>22 (Reporter requested clarification.)</p> <p>23 A. You know, like, I would see him in the</p> <p>24 city. I worked for the Task Force at the time,</p> <p>25 for the marshals, and I would see Philander</p>	<p>Tietjen - Direct/Bonjean Page 259</p> <p>1 walked and how they are. I would see him and have</p> <p>2 contact with him. And he freely talked to me</p> <p>3 every time I saw him.</p> <p>4 Q. So he was -- he didn't seem concerned</p> <p>5 about being arrested; right?</p> <p>6 A. I don't know if he was not concerned. He</p> <p>7 didn't know what was happening. I think he was</p> <p>8 probably -- like I'm only surmising -- he was</p> <p>9 surprised he wasn't arrested that day, or charged.</p> <p>10 Q. Right. But you said you weren't</p> <p>11 concerned that he was a flight risk?</p> <p>12 A. Well, I couldn't make -- I wasn't</p> <p>13 determining when charges were going to be done.</p> <p>14 Q. I understand. But I'm just bringing</p> <p>15 you back to your prior testimony that -- your</p> <p>16 words -- you weren't concerned he was a flight</p> <p>17 risk?</p> <p>18 A. No, I didn't believe he had the means to</p> <p>19 leave Newark; or if he did, we knew who he was as</p> <p>20 far as at any point whether he'd become a</p> <p>21 fugitive, and the unit I was in was pretty adept</p> <p>22 at locating people and returning them where they</p> <p>23 had to be.</p> <p>24 Q. But it's fair to say that he didn't</p> <p>25 try to evade you?</p>
<p>Tietjen - Direct/Bonjean Page 258</p> <p>1 Hampton on the street and stop and talk to him.</p> <p>2 It was very odd to me, but I would pull up on him</p> <p>3 and see him. I can't say how many times I saw</p> <p>4 him, but I definitely saw him at different times.</p> <p>5 Q. So let me get this straight. Carrega</p> <p>6 is looking for him for a good long bit of time, for</p> <p>7 months. Can't find him anywhere, until he gets</p> <p>8 picked up in this traffic warrant. And then after</p> <p>9 he confesses for being involved in the murders of</p> <p>10 five children, you just see him walking down the</p> <p>11 street, he's very easy to find; is that --</p> <p>12 A. I wouldn't say easy to find. I said I saw</p> <p>13 him. I don't know how many times I saw him, but I</p> <p>14 became intimately involved with what he looked</p> <p>15 like in that interview and having direct contact</p> <p>16 with him. Prior to that, I was dealing with just</p> <p>17 a photo, and who knows if I saw him on the street,</p> <p>18 but I didn't quickly identify that it was</p> <p>19 Philander Hampton. I may have passed by him while</p> <p>20 I was looking for him previously, but now I had</p> <p>21 intimate knowledge of his actions, how he walked,</p> <p>22 how he looked, and how he presented himself. And</p> <p>23 for some reason when I'd see him after the event,</p> <p>24 I was able to quickly spot him and identify him.</p> <p>25 It was like seeing a friend. You knew how they</p>	<p>Tietjen - Direct/Bonjean Page 260</p> <p>1 A. No.</p> <p>2 Q. Right?</p> <p>3 A. Correct.</p> <p>4 Q. He was pretty accessible to you once</p> <p>5 he made this --</p> <p>6 A. Well, I would only see him -- I don't know</p> <p>7 where he was living at the time, but I would see</p> <p>8 him -- I don't know how many times, but I</p> <p>9 definitely saw him on the street and had like a</p> <p>10 short conversation with him.</p> <p>11 Q. But you wanted to keep tabs on him,</p> <p>12 though? No?</p> <p>13 A. I was not anybody keeping tabs on him.</p> <p>14 Q. You weren't -- I didn't understand</p> <p>15 your response. You said you weren't keeping tabs</p> <p>16 on him?</p> <p>17 A. No.</p> <p>18 Q. You would agree, though, that the</p> <p>19 team would have wanted to keep tabs on him; right?</p> <p>20 A. I don't know what --</p> <p>21 MR. LIPSHUTZ: Objection to the form.</p> <p>22 MR. VOMACKA: Join.</p> <p>23 A. At that point, like, we had done our steps</p> <p>24 and gone through, and you'll notice that others</p> <p>25 had many more tasks than me following that</p>

<p>Tietjen - Direct/Bonjean Page 261</p> <p>1 December when I was transferred. I don't know if 2 anybody was or not, but it wasn't something that I 3 had to worry about, that he was charged at that 4 point. He was easy to find the day he got the 5 arrest warrant, too, so, however, you know... 6 Q. Right. But you have someone who's 7 confessed to killing five people in a high profile 8 case that has gone unsolved for 30 years, and he's 9 now just walking around the streets. To me it 10 would be common sense that law enforcement would 11 want to keep an eye on him to make sure he doesn't 12 flee? Even you're right, he probably doesn't have 13 the means, but you still want to make sure you know 14 where he is; right? 15 MR. VOMACKA: Objection to form, but 16 you can answer. 17 A. I don't know what steps were taken to 18 verify where he was or what he was doing. 19 Q. Okay. Well, you did subsequently try 20 to get information about this fire; right? 21 A. Correct. 22 Q. And lo and behold the psychic was 23 right after all? 24 MR. LIPSHUTZ: Objection to the form. 25 MR. VOMACKA: Objection to the form.</p>	<p>Tietjen - Direct/Bonjean Page 263</p> <p>1 told us because everything was unknown to us. As 2 far as I know, I knew nothing about a fire on 256 3 Camden Street. I knew nothing about any potential 4 fire reports, any arson report, that was at 256 5 Camden, let alone that Lee Evans was involved in 6 the fire with Philander Hampton that day until 7 Philander Hampton told us, let alone occurring on 8 the third floor, you know, all those steps, so I 9 had no real -- I know my bosses were curious as to 10 why he wasn't arrested right away, but we have two 11 people here because he implicated Lee Evans, and, 12 again, it's a case, again, of 30 years with 13 minimal stuff around and available to prove or to 14 go through your factual basis. We had no 15 information about a fire, so I had really no 16 concern that we weren't jumping on him right away. 17 I was thankful that we found that article in the 18 newspaper, and thankful we found some fire items, 19 and thankful that, you know, Mr. Delk's (phonetic) 20 report was identified later on that next year in 21 April. 22 Q. You had some reservations, though, 23 about the fire theory; right? You wanted to 24 corroborate that this was all true; correct? 25 A. Correct. I wouldn't say reservations about</p>
<p>Tietjen - Direct/Bonjean Page 262</p> <p>1 A. I'm not even going to go to that, because I 2 said to you before psychics will throw out a huge 3 amount of what-if's and possibilities, and she 4 talks about a brown uniform and some other stuff. 5 You know, like, we do this all time. It's in a 6 field. Well, if I find them in the field, was she 7 right? It's a fire. Is she right? Oh, well, we 8 had a fire. We have psychics call my unit monthly 9 on cases. It's all the same story. 10 The Dolce Aviles Amber Alert case, we 11 had so many psychics call from all over the 12 country on that. Dreams. Like I saw her in a 13 dream. She's in a field of flowers. You know, 14 and they give you all these full-on statements. 15 It's great when you can link something up, but 16 there's plenty of things in such provides. So, 17 yeah, it's a fire. Was she correct? Who knows? 18 Q. Fair to say, though, that your team 19 wanted to corroborate this, though, because you 20 weren't 100 percent certain; right? Is that fair 21 to say? 22 MR. LIPSHUTZ: Objection to the form. 23 MR. VOMACKA: Objection to the form. 24 You can answer. 25 A. I would say we wanted to verify what he</p>	<p>Tietjen - Direct/Bonjean Page 264</p> <p>1 the theory. He told us it was a fire, so I had to 2 believe him and then go with finding factual basis 3 to support what he told me. Whether it occurred 4 on August 20th. Like, you look at-- 5 Q. I want to make sure I understand. 6 A. Someone tells you a fire occurred on 7 August 20th, the night thereof, in a case like 8 this, you're going on 30 years, I want to verify 9 as much information as I can. Whether that fire 10 did occur, whether -- and then that adds to more 11 of it. There's plenty of things that you couldn't 12 with the lapse of years, but that was definitely 13 one. 14 Q. Did Philander Hampton's story seem a 15 little implausible to you when you heard it, or did 16 it ring true to you? 17 A. Well, there were things in there that I 18 think he could have potentially diminished. You 19 know, they have a gun. Why not shoot a boy, or 20 why not do harm to a boy? Whether that's 21 diminishment. And people do that all the time in 22 confessions. They diminish their own potential 23 involvement. So did I believe every step he 24 stated about it? No. I think there's 25 diminishment on both sides as to what occurred --</p>

<p>Tietjen - Direct/Bonjean Page 265</p> <p>1 (Reporter requested clarification.)</p> <p>2 A. I don't know where I skipped off. But they</p> <p>3 tend to diminish involvement or put down their</p> <p>4 efforts.</p> <p>5 Like, a pedophile, and I've</p> <p>6 interviewed plenty of them, will always indicate</p> <p>7 it was always accidental, but they still had</p> <p>8 penetration. You know, but they didn't intend to</p> <p>9 do it, like that. So there's -- he's belittling</p> <p>10 an event maybe not to make himself look so demonic</p> <p>11 in the event, and that's normal.</p> <p>12 Q. Right.</p> <p>13 A. So it's necessarily I believe every spoken</p> <p>14 word exactly how it occurred. The fire reported</p> <p>15 that one neighbor heard a pop. Could that have</p> <p>16 been gunshot that was muffled, or could it have</p> <p>17 been something popping due to the fire?</p> <p>18 Q. Right.</p> <p>19 MS. BONJEAN: I believe we have to go</p> <p>20 off the record to change media, so -- is that</p> <p>21 right?</p> <p>22 THE VIDEOGRAPHER: Yes. The time is</p> <p>23 3:57 p.m. Off the record.</p> <p>24 (Break taken.)</p> <p>25 THE VIDEOGRAPHER: The time is 4:06</p>	<p>Tietjen - Direct/Bonjean Page 267</p> <p>1 Q. So it was there under your nose the</p> <p>2 whole time, you didn't know; right?</p> <p>3 MR. VOMACKA: Objection to the form.</p> <p>4 You can answer.</p> <p>5 MR. LIPSHUTZ: Objection.</p> <p>6 A. And I don't even know if I had that form,</p> <p>7 that report. The report has been provided to me</p> <p>8 because we were getting -- like, people at all</p> <p>9 different -- there were no original copies here.</p> <p>10 So I don't know where the original file went from</p> <p>11 '78.</p> <p>12 Q. And you don't know whether Hairston</p> <p>13 actually got any other reports in connection with</p> <p>14 that --</p> <p>15 A. No clue what was done.</p> <p>16 Q. But you did find out that there had</p> <p>17 been a fire and that it was reported on by the Star</p> <p>18 Ledger on August 22, 1978; right?</p> <p>19 A. Right.</p> <p>20 Q. And you wrote in your report, 254,</p> <p>21 256, 258, and 260 Camden Street. Were those all</p> <p>22 different buildings to the best of your knowledge?</p> <p>23 A. To the best of my knowledge, they were</p> <p>24 buildings one after each other. I don't know if</p> <p>25 any of them were doubles. I believe they had like</p>
<p>Tietjen - Direct/Bonjean Page 266</p> <p>1 p.m. Beginning of media number five. Back on the</p> <p>2 record.</p> <p>3 Q. Okay. Sergeant, let's look back at</p> <p>4 your report, page 9 of 19, if you don't mind.</p> <p>5 A. Yes.</p> <p>6 Q. So after this interview, it looks</p> <p>7 like you did, in fact, try to get information from</p> <p>8 the Star Film about -- Star Ledger about any fires</p> <p>9 that occurred over on Camden Street; right?</p> <p>10 A. Correct.</p> <p>11 Q. Were you able to at this point</p> <p>12 connect up that reference by Hairston to the 15th</p> <p>13 and Bergen fire and the Camden, or were you still</p> <p>14 not sure about that connection?</p> <p>15 A. No, I don't believe that matched up at all.</p> <p>16 That wasn't -- it wasn't something I recalled</p> <p>17 coming out as an ah-hah moment because I didn't</p> <p>18 recall it from Hairston's report that was</p> <p>19 something that was ah-hah to look at.</p> <p>20 Q. I mean, you agree now that that's</p> <p>21 likely the same fire?</p> <p>22 A. Oh, yes, certainly.</p> <p>23 Q. Okay. But at the time, it didn't</p> <p>24 jump out at you; is that right?</p> <p>25 A. No.</p>	<p>Tietjen - Direct/Bonjean Page 268</p> <p>1 a small gap between them, but I don't know -- we</p> <p>2 saw some floor plans that seemed similar in the</p> <p>3 area but a separation between them.</p> <p>4 Q. I'm sorry. What did you say?</p> <p>5 A. But a minimal separation. So like a large</p> <p>6 fire would continue on to the next residence and</p> <p>7 the next.</p> <p>8 Q. And 256 was kind of smack dab in the</p> <p>9 middle?</p> <p>10 A. Correct.</p> <p>11 Q. Did you develop any information that</p> <p>12 256 was actually a vacant building at that time?</p> <p>13 A. From Philander Hampton, and then the</p> <p>14 article also says that it was vacant.</p> <p>15 Q. That the building was vacant?</p> <p>16 A. 256, correct.</p> <p>17 Q. Okay. So that's a good piece of</p> <p>18 corroboration that you developed the day after you</p> <p>19 got this video-recorded statement from Philander</p> <p>20 Hampton; right?</p> <p>21 A. Correct.</p> <p>22 Q. And then fair to say that you</p> <p>23 continued to try to get information about the fire</p> <p>24 and the building and so forth and so on?</p> <p>25 A. Correct.</p>

<p>Tietjen - Direct/Bonjean Page 269</p> <p>1 Q. Did you still have some questions 2 about why -- well, strike that. 3 Did you have some questions about why 4 there were no remains found? 5 A. No. 1978 everybody was talking about -- we 6 have Jack Eutsey there, who was on the force then. 7 He said there were fires all over the city back 8 then, and abandoned buildings and things burning 9 down, and described that sort of experience of 10 Newark in 1978, indicating that many of the homes 11 were owned by the city as well. So them not 12 finding remains and having a large fire like that, 13 and speaking to the fire department would support 14 that, that they didn't enter the building to look 15 for remains. 16 Q. But they did enter the building to 17 look for remains in some of the other buildings; 18 right? In fact, they saved some people? The 19 police did; right? 20 A. People got out, and you have a officer, 21 University Hospital, I believe, at the time come 22 by as well and assist in rescuing residents from 23 the homes. And I don't think that he went in any 24 further to examine to look for remains because no 25 one was missing to their knowledge that would have</p>	<p>Tietjen - Direct/Bonjean Page 271</p> <p>1 idea that he might not be charged with this crime? 2 A. No. 3 Q. Is that why he was so cooperative 4 that he was operating under the assumption that he 5 would not be charged? 6 A. No. 7 Q. Did you tell him that he was going to 8 be charged? 9 A. No. 10 Q. Did anyone tell him he was going to 11 be charged with this crime that you saw? Law 12 enforcement? 13 A. I don't know. 14 Q. I know you don't know. That's fine 15 if you don't know. I'm saying did you hear or 16 observe any other law enforcement official 17 communicate to him that he would be charged in 18 connection with this crime? 19 A. I just said I don't know. 20 Q. You don't -- 21 A. I don't know if anyone did that. I said 22 no, I do not know. 23 Q. I appreciate you saying you don't 24 know whether anybody did that, but that's not 25 really what I'm asking. I'm saying did you hear</p>
<p>Tietjen - Direct/Bonjean Page 270</p> <p>1 been in the home. So, you know, they indicated 2 they would only dig out the remains if they were 3 reported someone was trapped in a home or entered 4 to fight the fire, but 256 was reportedly well 5 involved upon their arrival as well. 6 Q. All right. I want to draw your 7 attention to November 18th, which would have been, 8 I guess, less than a week later. You actually had 9 Philander Hampton's cell phone; right? 10 A. I didn't have it. I had his number. 11 Q. Yes, right. His phone number. And 12 you just called him up and said, "Meet me over the 13 at the Essex County Prosecutor's Office"? 14 A. Yeah. Like, my style of how I interview 15 people is, I think I express an honestly to them, 16 and I develop a little bit of a rapport. So 17 Philander Hampton was one who was able to 18 communicate with me in that respect, and I -- you 19 know, my whole theory is if I show respect to 20 people when I interview them, in some respect, 21 it's, you know, fitting that they're going to 22 answer my call and talk -- he agreed to -- you 23 know, we had a call, and he answered, and he 24 agreed to meet with us. 25 Q. Did you give Philander Hampton the</p>	<p>Tietjen - Direct/Bonjean Page 272</p> <p>1 it? Did you see it? Did you observe it? 2 A. I didn't hear it, didn't see it, didn't 3 observe it. 4 Q. So the answer is no then? 5 A. No. 6 Q. You didn't see or observe or hear 7 those things; right? 8 Did you ever see, observe, or hear 9 any other law enforcement official communicate to 10 Philander Hampton that he would not be charged -- 11 A. No. 12 Q. -- with -- well, do you recall any 13 conversations about whether or not Philander was 14 going to be charged, with Philander, conversations 15 with Philander about whether he would be charged? 16 A. No. 17 Q. So it just never came up whether he'd 18 be charged after confessing to five bodies in a 19 building? 20 A. I don't know if he was as confused as I 21 was. 22 (Reporter requested clarification.) 23 A. As confused as even I was. It's -- you 24 know, he expressed to us what he did, and he went 25 off to jail, and he walked out. And when I called</p>

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<p>Tietjen - Direct/Bonjean Page 273</p> <p>1 him, he answered the phone. He came in. He knew 2 that day he was not getting charged. You know, he 3 walked in. He walked out of there as well. 4 Q. How did he know he wasn't getting 5 charged when you asked him to come down? 6 A. I would have believed when I called him 7 that I probably said to him I just want to meet 8 with him tomorrow, and I wanted to talk to him. 9 You know, that's how that conversation was going. 10 I think we probably would have some conversation 11 to that, but not that he was never going to get 12 charged or that he would some day get charged. 13 Q. Did you ask you, Hey, I'll come down 14 there, but am I going to get arrested or charged? 15 A. He may have asked if he was getting 16 arrested that day, but I don't recall that. That 17 would be a normal conversation potentially in a 18 case like this, like the guy would say, "Hey, am I 19 getting locked up today?" And I would say, "No." 20 But not that you're not ever, or it's not coming 21 in the future. 22 Q. But you also never told him he was 23 likely to get charged either; correct? 24 A. No. 25 Q. When you say no, you mean that's</p>	<p>Tietjen - Direct/Bonjean Page 275</p> <p>1 Q. 7:39 a.m. right on the dot. 2 And you were present along with 3 Detective Hadley, a Detective Recktenwald; is that 4 right? 5 A. Correct. 6 Q. And an Agent Eutsey; right? 7 A. Correct. 8 Q. And how long did this meeting last 9 with Philander Hampton which was now about a week 10 out from the November 12th meeting? 11 A. I don't know an end time. I know at 9:30 12 he was still there because that's when he showed 13 us how he -- how the boys were stacked in the 14 closet is the way he described it, and he 15 physically used Detective Recktenwald to show -- 16 the term stacked is something we keyed up on as 17 were they deceased already and placed in there, or 18 were they laid down, but he showed us by grabbing 19 our sides and placing us in. That's what he said, 20 stacked. You know, standing up, not stacked like 21 that. 22 Q. He suggested they were alive; right? 23 A. Correct. 24 Q. Did you believe that? 25 A. That's what he presented. I had to believe</p>
<p>Tietjen - Direct/Bonjean Page 274</p> <p>1 correct; right? 2 A. Correct. 3 Q. And then again, the next day -- wait, 4 hold on. Back up a second. 5 What did you talk about with 6 Philander on November 18, 2008? 7 A. You broke up. On the 18th? 8 Q. Sure. My apologies. What was the 9 substance of your conversation with Philander 10 Hampton on November 18, 2008, at the Essex County 11 Prosecutor's Office? 12 A. No. That on the 18th was a talk via cell 13 phone to get him to come in on the 19th. 14 Q. Got it. Apologies. So on 15 November 19th, the following day, he comes down; 16 right? 17 A. Yes. 18 Q. So you ask him to come down on the 19 19th. He obliges, and he's there at the Essex 20 County Prosecutor's Office at 8:00 a.m.; is that 21 right? 22 A. That's correct. He's actually there at 23 seven-something. Before eight. 24 Q. 7:30 a.m.? 25 A. Yes.</p>	<p>Tietjen - Direct/Bonjean Page 276</p> <p>1 that as well. But, you know, could they have been 2 injured? Possibly. 3 Q. So it was your belief, you credited 4 Philander's statement that five boys were put into 5 a room, not children, really kind of like young 6 adults, or at least grown -- teenagers; right? 7 A. Well, he indicated in his statement that 8 Lee Evans just wanted to teach them a lesson. So 9 whether he was successful in communicating that, 10 that, you know, they're going to get locked in 11 this closet or whatever. I don't think they were 12 aware that a fire was going to get started there, 13 but that depends if he's diminished some facts, 14 but that's what's presented to us, that they were 15 put in the closet together. The closet was big 16 enough for the five boys to stand in there. 17 Q. Well, you'd admit, though, that you 18 know enough about fires to know that it would take 19 some time before a building was engulfed; correct? 20 MR. VOMACKA: Objection to the form. 21 A. I know with an accelerant, five gallons of 22 gasoline, that I can barely outrun a fire pour 23 with that much gas. 24 Q. Okay. 25 A. I was a firefighter years ago myself, and</p>

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<p>Tietjen - Direct/Bonjean Page 277</p> <p>1 it's quick as ever.</p> <p>2 Q. Okay. So when he said stacked, it</p> <p>3 was a weird use of a word of how they were placed</p> <p>4 into this closet or room; right?</p> <p>5 A. Correct.</p> <p>6 Q. All right. And you had him sketch</p> <p>7 the room, I guess, a little bit; right?</p> <p>8 A. Yes, the actual third floor he sketched.</p> <p>9 Q. And he continued to be cooperative</p> <p>10 during this investigation?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know whether anyone else wrote</p> <p>13 a report about this subsequent interview you had</p> <p>14 with Mr. Hampton?</p> <p>15 A. I would have to see all the reports, but I</p> <p>16 don't know.</p> <p>17 Q. Um --</p> <p>18 A. I know, I think Recktenwald wrote a report</p> <p>19 when I turned in the sketch to him.</p> <p>20 Q. You think Recktenwald wrote a report?</p> <p>21 A. When I turned in the sketch to him, but I</p> <p>22 don't know if anyone else memorialized this.</p> <p>23 Q. But it wasn't video recorded or audio</p> <p>24 recorded, I see; correct?</p> <p>25 A. I don't know.</p>	<p>Tietjen - Direct/Bonjean Page 279</p> <p>1 Q. Okay. He just wasn't involved in</p> <p>2 this aspect of the investigation?</p> <p>3 A. He wasn't involved in the tasks that I was</p> <p>4 assigned to do.</p> <p>5 Q. But he was still involved in the</p> <p>6 investigation?</p> <p>7 A. Correct.</p> <p>8 Q. And, again, I want to say, I want</p> <p>9 to -- I'm going to skip along, try to go a little</p> <p>10 more quickly.</p> <p>11 On November 21st, 2008, you reached</p> <p>12 out to Philander Hampton via his cell phone again;</p> <p>13 correct? Is that right?</p> <p>14 A. Correct.</p> <p>15 Q. And he said, "Sure, I'll come in for</p> <p>16 another polygraph examination." Is that correct?</p> <p>17 A. Correct.</p> <p>18 Q. Why did you polygraph him a second</p> <p>19 time?</p> <p>20 A. I need to refer to the report as to what</p> <p>21 questions were asked, but we were concerned that</p> <p>22 he may not be providing full details by</p> <p>23 diminishing certain aspects. Some of the things,</p> <p>24 the stacking, the closet, these things, you know,</p> <p>25 you have to inquire as to did it truly, fully</p>
<p>Tietjen - Direct/Bonjean Page 278</p> <p>1 Q. Do you know why it wasn't, or did you</p> <p>2 make a decision about that?</p> <p>3 A. I did not.</p> <p>4 Q. And you also started to try to track</p> <p>5 down Lee Evans as well; correct?</p> <p>6 A. Correct.</p> <p>7 Q. I noticed that Carrega doesn't seem</p> <p>8 to be involved anymore, at least according to your</p> <p>9 report. Do you remember if that's the case?</p> <p>10 A. I don't know what reason he's not mentioned</p> <p>11 here. He was not involved in these aspects. The</p> <p>12 case developed into a larger component of people,</p> <p>13 and I believe he was much more involved with the</p> <p>14 actual structure of it as far as like the lead</p> <p>15 person.</p> <p>16 Q. I'm not sure I understand your answer</p> <p>17 to that question, so let me see if I can get some</p> <p>18 understanding.</p> <p>19 At least according to your report,</p> <p>20 which memorializes investigative work for the rest</p> <p>21 of November, and I believe into December, and it</p> <p>22 does not seem to me to reflect that Carrega was</p> <p>23 involved in this investigative work; am I wrong</p> <p>24 about that?</p> <p>25 A. You're wrong.</p>	<p>Tietjen - Direct/Bonjean Page 280</p> <p>1 happen that way. They have a gun. I was</p> <p>2 concerned that they weren't shot before or injured</p> <p>3 in some fashion, and it was thought that we would,</p> <p>4 you know, try to confer with him as far as his</p> <p>5 truthfulness on those items.</p> <p>6 Q. And did he pass the second polygraph?</p> <p>7 A. I don't know if he -- I don't know if I</p> <p>8 even mentioned it in my report because it was not</p> <p>9 my handling. I was the one who made the call to</p> <p>10 him and set it up.</p> <p>11 Q. By the way, were there any</p> <p>12 prosecutors involved in the case up until this</p> <p>13 point?</p> <p>14 A. There were people aware and people part of</p> <p>15 the meetings, so...</p> <p>16 Q. So prosecutors were being debriefed</p> <p>17 on the investigation?</p> <p>18 A. Correct.</p> <p>19 Q. At any point prior to, let's just</p> <p>20 say, November 24, 2008, did you raise a concern</p> <p>21 with either other detectives or officers or</p> <p>22 prosecutors about why Philander had not been</p> <p>23 charged and arrested for this?</p> <p>24 A. It's not my house. I'm there to assist.</p> <p>25 They decide those things, you know.</p>

<p>Tietjen - Direct/Bonjean Page 281</p> <p>1 Q. So you didn't raise that concern?</p> <p>2 A. I may have expressed my wonderment as to</p> <p>3 why he wasn't charged.</p> <p>4 Q. Yeah, that's what I'm asking?</p> <p>5 A. But it wasn't important enough that I would</p> <p>6 document or push it. I am truly a guest there as</p> <p>7 an assistant to them, and I had certainly an</p> <p>8 interest in this case and its progression.</p> <p>9 Q. Right. I understand that you</p> <p>10 wouldn't have necessarily pressed it or documented</p> <p>11 it, but it sounds like you may have at least</p> <p>12 informally raised it as --</p> <p>13 A. I wouldn't know who. I'm sure it was a</p> <p>14 conversation as to what they wanted, being the</p> <p>15 prosecutor's office, before they would go through</p> <p>16 with the charge, as far as corroboration or any</p> <p>17 additional stuff to go over.</p> <p>18 Q. And your efforts at interviewing Lee</p> <p>19 Evans were unsuccessful; would you say that's</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. Tell me about the interview with</p> <p>23 Lenzell Kimble. How did that come to be?</p> <p>24 A. Well, that's his son. We were trying to</p> <p>25 speak to the father, but the father was deceased.</p>	<p>Tietjen - Direct/Bonjean Page 283</p> <p>1 as well with the sup. But I don't know why his</p> <p>2 report would have that delay as well. To me that</p> <p>3 would be not, like, something I would think</p> <p>4 significant at all.</p> <p>5 Q. Well, you understand from the</p> <p>6 perspective of perhaps a defense attorney that a</p> <p>7 report that's prepared a year and a half after the</p> <p>8 events happened might not have the same reliability</p> <p>9 as a contemporaneously-made report?</p> <p>10 MR. VOMACKA: Objection to the form,</p> <p>11 but you can answer.</p> <p>12 MR. LIPSHUTZ: Objection to the form.</p> <p>13 A. I understand the potential concern, but I</p> <p>14 can tell you that how I wrote mine was based upon</p> <p>15 the notes I had and my memories of those notes,</p> <p>16 and the notes reflect back to what I wrote.</p> <p>17 Q. Notes that you destroyed, though, or</p> <p>18 did not hand over to the --</p> <p>19 A. I don't know --</p> <p>20 MR. LIPSHUTZ: Objection to the form.</p> <p>21 MR. VOMACKA: Objection to the form.</p> <p>22 Facts not in evidence. You can answer.</p> <p>23 A. I don't know where they are. Like, whether</p> <p>24 I turned them over. I don't have nothing to say</p> <p>25 to that as far as --</p>
<p>Tietjen - Direct/Bonjean Page 282</p> <p>1 Q. Why did you want to speak to him?</p> <p>2 A. He was named in the investigation report.</p> <p>3 I don't recall on what page. But we were trying</p> <p>4 to identify him, and I never even spoke to his</p> <p>5 son. His son communicated with DOC guards at the</p> <p>6 facility where he's incarcerated that his father</p> <p>7 was deceased in 2001, I believe.</p> <p>8 Q. Do you have any idea why Michael</p> <p>9 Recktenwald's report was not prepared until</p> <p>10 January 4th, 2010, when this polygraph took place</p> <p>11 back in the fall of 2008?</p> <p>12 A. Just like my own report with the time, it's</p> <p>13 -- I have no -- like, for me it was just a</p> <p>14 culmination of facts. I even identify -- I will</p> <p>15 get back to mine. I didn't identify that this</p> <p>16 1988 report that's mine is until December when I</p> <p>17 spoke to Eileen Gilleece who reached out to me</p> <p>18 when she heard about this case within the state</p> <p>19 police. She reached out to me said, Hey, she</p> <p>20 worked on this. I know we worked on it. We never</p> <p>21 found the case number. So she identified what</p> <p>22 year it was, because the thing about the case is</p> <p>23 it was from 1978, and my unit comes into effect in</p> <p>24 1984, and she got involved in it in '88. That's</p> <p>25 where this -- so there was a delay for me there</p>	<p>Tietjen - Direct/Bonjean Page 284</p> <p>1 Q. Well, you testified earlier that you</p> <p>2 were pretty confident that you did not provide your</p> <p>3 notes to --</p> <p>4 A. Yes, I was pretty confident. If someone</p> <p>5 shows me they're there, great.</p> <p>6 Q. And it wasn't your practice to give</p> <p>7 your notes to the prosecutors in a investigation;</p> <p>8 right?</p> <p>9 A. Correct.</p> <p>10 Q. I assume it wasn't your practice to</p> <p>11 give your notes to defense counsel for the accused;</p> <p>12 right?</p> <p>13 A. Well, in this case, I definitely did not.</p> <p>14 Q. Okay.</p> <p>15 A. But I don't know if I provided it to the</p> <p>16 county before. I don't recall what happened to my</p> <p>17 notes, whether I destroyed them. I don't -- I</p> <p>18 have no reference of where they are. I can</p> <p>19 certainly look, like I said I would do. I didn't</p> <p>20 say they're destroyed. I don't recall if they</p> <p>21 were submitted, if anybody requested them. That</p> <p>22 wasn't something that 10, now 12 years ago, that I</p> <p>23 would routinely worry about after I had submitted</p> <p>24 my report.</p> <p>25 Q. But you don't have the understanding</p>

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<p>Tietjen - Direct/Bonjean Page 285</p> <p>1 that even in connection with the civil lawsuit that 2 was filed back, I don't know, years ago now, that 3 you didn't have an obligation to look for your 4 handwritten notes and provide them, if they were 5 available? 6 A. I may have looked for them then as well and 7 not have found them, but that's one thing I 8 provided it as part of your lawsuit the documents 9 that I had then. I mean, this is, what, how many 10 years ago was it first filed? Like 2016? I 11 don't know -- 12 Q. About. 13 A. Like, I provided to them what I had. 14 Q. Do you remember looking for your 15 handwritten notes at the time that you were doing 16 your diligence and searching for documents in your 17 care and custody? 18 A. I believe I looked for everything that I 19 had, which would have included notes. 20 Q. December 12 -- I stand corrected. 21 Here's a mention by Lieutenant Carrega. On 22 December 12, there was a search of a basement at 23 137 Vassar Avenue? 24 A. Correct. 25 Q. And that's at page 16 of 19?</p>	<p>Tietjen - Direct/Bonjean Page 287</p> <p>1 yourself asking why I didn't go to 137 Vassar 2 Street when somebody reported there were bodies in 3 the basement. 4 Q. Well, you have this court-reported 5 statement -- or strike that. 6 You have a video-recorded statement. 7 He's not arrested. He's not charged; right? 8 A. Yes, yes. 9 Q. You have confirmed that there was a 10 fire at the exact location that he allegedly says 11 this is where it happened; right? 12 A. Correct. 13 Q. But you're continuing to pursue leads 14 that are inconsistent with what -- hold on. Let me 15 finish my question. 16 You continued to pursue leads that 17 were inconsistent with his account of what 18 happened; correct? 19 A. I don't -- 20 MR. VOMACKA: Objection to the form. 21 You can answer. 22 A. I don't think you're understanding the 23 direction of the case here. I am like the low 24 fruit of the detectives at that time. There are 25 meetings to determine what we do and what leads</p>
<p>Tietjen - Direct/Bonjean Page 286</p> <p>1 A. Yes. 2 Q. Why was there a search of a basement 3 at 137 Vassar? 4 A. At some point, that address was in the 5 report as a potential location of bodies -- who 6 knows if it's bodies related to this case or not 7 -- in the basement, and it had not ever been 8 resolved through, so it's another thing like 9 you're asking about all these other facets did we 10 not look, or did we? Well, that one we looked at, 11 and to the best of our ability that day with a 12 cadaver dog and looking at the floor in the 13 basement did not come with any significant 14 indication that there would be remains below that 15 concrete floor. I think that would be good police 16 work to follow up on anything that's presented 17 there. 18 Q. Yeah, but it's not consistent with 19 Philander's story at all; right? 20 A. We're going through every single aspect 21 here. 22 Q. So what I'm saying is you weren't 23 persuaded of Philander's story? 24 A. No, I wouldn't say I'm not persuaded of 25 Philander's story. I don't want somebody like</p>	<p>Tietjen - Direct/Bonjean Page 288</p> <p>1 we'll follow through. This isn't me saying, Let's 2 go to 137 Vassar. Whether it's an AP saying, Hey, 3 there's 137 Vassar out there, let's square this 4 away, because they know nobody is going to ask 5 about it later. I didn't write down who made it 6 an assignment, but it was an assignment. All of 7 these are assignments. 8 Q. Okay. Somebody made the call -- 9 maybe it wasn't you, but somebody made the call to 10 check out a lead on December 12, 2008, that was not 11 in any way consistent with Philander Hampton's 12 account of what happened; can we agree on that? 13 MR. VOMACKA: Objection to form. You 14 can answer the question. 15 A. Yes. 16 Q. I think you agreed; right? 17 A. Yes. 18 Q. Do you remember interviewing Kevin 19 Royster? 20 A. What page is that on? I don't have it in 21 my memory. 22 Q. Oh, my apologies. It wasn't an 23 interview. 24 Do you remember reading the 25 interviews of either Gregory Royster or Kevin</p>

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<p>Tietjen - Direct/Bonjean Page 289</p> <p>1 Royster?</p> <p>2 A. I don't recall them.</p> <p>3 Q. Okay. I'm not going to spend time.</p> <p>4 That's fine.</p> <p>5 Okay. And as of June 25, 2009,</p> <p>6 again, you know, about at least six months, more</p> <p>7 than six months after the video-recorded statement</p> <p>8 of Philander Hampton, the case wasn't closed;</p> <p>9 right?</p> <p>10 A. Correct.</p> <p>11 Q. And did you believe that there was</p> <p>12 any other investigative work that could be done at</p> <p>13 that point?</p> <p>14 A. At that point, I don't know everything that</p> <p>15 was all done, so I can't answer that.</p> <p>16 Q. Well, did you see any need for</p> <p>17 investigative work to be done at that point?</p> <p>18 A. Just like I stated, I was just a low-level,</p> <p>19 and at that point, I was significantly removed</p> <p>20 from the investigation, so I don't know where</p> <p>21 their steps were leading them.</p> <p>22 Q. Sometime after June 25, 2009, in or</p> <p>23 around March of 2010, things changed; correct?</p> <p>24 A. Correct.</p> <p>25 Q. There was an indication that the</p>	<p>Tietjen - Direct/Bonjean Page 291</p> <p>1 Q. Did you make any promise of</p> <p>2 non-prosecution, or just, I'll put in a good word</p> <p>3 type of thing, if he cooperated and provided</p> <p>4 information about Lee Evans?</p> <p>5 A. No.</p> <p>6 Q. Did you ever hear any communications</p> <p>7 made to Philander Hampton by anybody that would</p> <p>8 lead the average person to believe that Philander</p> <p>9 Hampton would not be charged with this crime if he</p> <p>10 just cooperated and inculpated Lee Evans?</p> <p>11 A. No.</p> <p>12 Q. In your questioning of Mr. Hampton,</p> <p>13 either on November 12th of 2008, or any subsequent</p> <p>14 times, did you have the impression that he did not</p> <p>15 realize he was implicating himself in the crime?</p> <p>16 A. No, I fully think he realized what he was</p> <p>17 saying.</p> <p>18 Q. So you mentioned earlier that</p> <p>19 sometimes people minimize their culpability, which</p> <p>20 I think you're right about that. Did you believe</p> <p>21 or even cultivate the view that maybe he was not</p> <p>22 legally responsible for the deaths of the boys</p> <p>23 since he didn't light the match?</p> <p>24 A. No, I didn't think that.</p> <p>25 Q. So as you sit here today, are you</p>
<p>Tietjen - Direct/Bonjean Page 290</p> <p>1 Essex County Prosecutor's Office was going to</p> <p>2 pursue charges against Philander Hampton and Lee</p> <p>3 Evans; right?</p> <p>4 A. Correct.</p> <p>5 Q. Do you know why at that point?</p> <p>6 A. No.</p> <p>7 Q. They just decided to do that?</p> <p>8 A. No.</p> <p>9 Q. Okay. I want to ask you before we</p> <p>10 move on to that, but before we get there, did you</p> <p>11 ever make any promises to Philander Hampton for</p> <p>12 leniency or any type of benefits in exchange for</p> <p>13 his cooperation in the case?</p> <p>14 A. No.</p> <p>15 Q. Did you ever hear any of your fellow</p> <p>16 officers make any promises of leniency and/or offer</p> <p>17 any type of benefit to Philander Hampton in</p> <p>18 exchange for his cooperation in the case?</p> <p>19 A. No.</p> <p>20 Q. Did you ever hear any of your fellow</p> <p>21 officers make any promise of -- non-prosecution</p> <p>22 promises to Philander Hampton in exchange for his</p> <p>23 cooperation in identifying Lee Evans as the culprit</p> <p>24 in the case, or the offender?</p> <p>25 A. No.</p>	<p>Tietjen - Direct/Bonjean Page 292</p> <p>1 confident that Philander Hampton understood that he</p> <p>2 was inculpating himself, or implicating himself, in</p> <p>3 this crime when he made this statement on</p> <p>4 November 12, 2008?</p> <p>5 A. Yes.</p> <p>6 Q. Do you have any idea what prompted</p> <p>7 the prosecutor's office to pursue the case with the</p> <p>8 evidence that had been available 18 months earlier?</p> <p>9 MR. VOMACKA: Objection to form, but</p> <p>10 he can answer.</p> <p>11 A. I have no clue what led to the delay.</p> <p>12 Q. You would agree, though, that</p> <p>13 ultimately the evidence that was used to indict Lee</p> <p>14 Evans was the same evidence that was available on</p> <p>15 November 12, 2008; right?</p> <p>16 MR. VOMACKA: Objection to the form,</p> <p>17 but you can answer.</p> <p>18 A. I don't know if there was any other</p> <p>19 evidence involved in the indictment, but I know</p> <p>20 that they should have had a decent amount, and we</p> <p>21 verified the fire, so within that month and a</p> <p>22 half, say. The Delk report coming in April of '19</p> <p>23 -- or 2009, definitely added to that as well.</p> <p>24 Q. Corroborating the fire is just</p> <p>25 corroborating Philander Hampton's version of</p>

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<p>Tietjen - Direct/Bonjean Page 293</p> <p>1 events; right?</p> <p>2 MR. VOMACKA: Objection to the form,</p> <p>3 but you can answer.</p> <p>4 A. Delk also provided information about two</p> <p>5 males running from that third floor out the back</p> <p>6 of Bergen Street.</p> <p>7 Q. Well, Delk didn't see that.</p> <p>8 A. No. Delk spoke with people who</p> <p>9 corroborated that.</p> <p>10 Q. But you didn't talk to anybody who</p> <p>11 saw that; right?</p> <p>12 A. Excuse me?</p> <p>13 Q. Did you ever speak to anybody who saw</p> <p>14 that with their own two eyes?</p> <p>15 A. No, I wish I did. I'm speaking about what</p> <p>16 was generating during the case between November</p> <p>17 and that time.</p> <p>18 Q. Right. Okay. But to be clear, I</p> <p>19 know what -- I know that there was a statement</p> <p>20 within the Delk, Harris Delk report, about a</p> <p>21 witness seeing this, but you would agree, I think</p> <p>22 you know probably, basically that that, of course,</p> <p>23 is a hearsay statement contained in a report;</p> <p>24 right?</p> <p>25 A. Correct, but --</p>	<p>Tietjen - Direct/Bonjean Page 295</p> <p>1 A. Yes.</p> <p>2 Q. And what is it?</p> <p>3 A. It's the affidavit to support for arrest</p> <p>4 warrants.</p> <p>5 Q. This was prepared by whom? Whose</p> <p>6 affidavit is it?</p> <p>7 A. It's Louis Carrega.</p> <p>8 Q. Okay. And this was the factual basis</p> <p>9 for providing probable cause to support an arrest</p> <p>10 warrant of the evidence?</p> <p>11 A. Correct.</p> <p>12 Q. I want to go through a couple pieces</p> <p>13 of it. One just deals with the background of</p> <p>14 Lieutenant Carrega, paragraph one; right?</p> <p>15 A. Correct.</p> <p>16 Q. And two identifies that this</p> <p>17 affidavit relates to the five missing boys that</p> <p>18 occurred in Newark on August 20, 1978; right?</p> <p>19 A. Correct.</p> <p>20 Q. And then it says it's being offered</p> <p>21 in support of the state's application for an arrest</p> <p>22 warrant for both Philander and Lee Evans; right?</p> <p>23 A. Yes.</p> <p>24 Q. Now, paragraph four, "On August 20,</p> <p>25 1978," do you see that?</p>
<p>Tietjen - Direct/Bonjean Page 294</p> <p>1 MR. LIPSHUTZ: Objection.</p> <p>2 Q. Is that correct?</p> <p>3 A. That's what I said. Correct.</p> <p>4 Q. Yes. And are you aware of whether</p> <p>5 anybody was able to get or find any witness who</p> <p>6 actually could confirm that that is what he or she</p> <p>7 saw?</p> <p>8 A. They were unable to.</p> <p>9 Q. So, again, that was not evidence that</p> <p>10 you were able to present because hearsay is not</p> <p>11 admissible; right?</p> <p>12 MR. LIPSHUTZ: Objection to the form.</p> <p>13 MR. VOMACKA: Objection to the form.</p> <p>14 You can answer.</p> <p>15 A. Correct.</p> <p>16 Q. I would like you to look, if you</p> <p>17 would, please -- I'm going to have you look at --</p> <p>18 we're going to mark it as an exhibit -- Carrega</p> <p>19 affidavit.</p> <p>20 (Tietjen-6, Carrega affidavit in</p> <p>21 support of arrest warrants, Bates ECPO 257 through</p> <p>22 259, was received and marked for identification.)</p> <p>23 Q. Let me know. We are going to call</p> <p>24 this Tietjen-6. Have you seen this document</p> <p>25 before, Sergeant?</p>	<p>Tietjen - Direct/Bonjean Page 296</p> <p>1 A. Yes.</p> <p>2 Q. This is information that was</p> <p>3 available in 1978; correct?</p> <p>4 A. Correct.</p> <p>5 MR. LIPSHUTZ: Objection.</p> <p>6 Argumentative.</p> <p>7 Q. And actually paragraph five was</p> <p>8 information that was available in 1978 that the</p> <p>9 five boys had been seen in the company, or last</p> <p>10 seen and -- "had last been seen in the company of</p> <p>11 Lee Evans, a local contractor." Correct?</p> <p>12 A. Yes.</p> <p>13 MR. LIPSHUTZ: Objection to the form.</p> <p>14 Q. And would you agree actually that the</p> <p>15 paragraph six also contains information that was</p> <p>16 available in the 1978, from the 1978 investigation?</p> <p>17 A. Yes.</p> <p>18 Q. Same for, I guess, paragraphs seven</p> <p>19 through nine; right?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And then paragraph ten relates</p> <p>22 to the fire at 256 Camden Street; correct?</p> <p>23 A. Yes.</p> <p>24 Q. And that was information that was</p> <p>25 obtained, according to you, the very first time it</p>

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<p>Tietjen - Direct/Bonjean Page 297</p> <p>1 was obtained was from Philander Hampton; correct?</p> <p>2 A. Correct.</p> <p>3 Q. And then paragraphs 11 through 12 --</p> <p>4 I'm sorry -- paragraph 11 summarizes what Philander</p> <p>5 Hampton revealed during his video recorded</p> <p>6 statement; right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And then 12 is culled from</p> <p>9 historical data that the buildings were</p> <p>10 subsequently demolished; right?</p> <p>11 A. Yes.</p> <p>12 Q. So in terms of evidence that pointed</p> <p>13 the finger at Lee Evans as the perpetrator really</p> <p>14 turned on the statement of Philander Hampton;</p> <p>15 correct?</p> <p>16 MR. VOMACKA: Objection to the form.</p> <p>17 MR. LIPSHUTZ: Objection to the form.</p> <p>18 Argumentative.</p> <p>19 MR. VOMACKA: You can answer.</p> <p>20 Q. Is that right?</p> <p>21 A. Yes.</p> <p>22 Q. In fact, the evidence that came from</p> <p>23 Philander Hampton, which included information about</p> <p>24 the fire, first came from him, was the only new</p> <p>25 evidence that was developed in the course of the</p>	<p>Tietjen - Direct/Bonjean Page 299</p> <p>1 Hampton's statement, just evidence about those</p> <p>2 fires wouldn't tell us anything about whether or</p> <p>3 not Lee Evans did it or not; right?</p> <p>4 MR. VOMACKA: Same objection. You</p> <p>5 can answer.</p> <p>6 A. Yes.</p> <p>7 MS. BONJEAN: All right. I believe I</p> <p>8 may be finished, but what I would like to do is if</p> <p>9 you can give me two minutes to check my notes, so</p> <p>10 when I go off, and then make sure that I haven't</p> <p>11 missed anything, and then anybody else can</p> <p>12 proceed. Okay. We can go off the record.</p> <p>13 THE VIDEOGRAPHER: The time is 4:47</p> <p>14 p.m. Off the record.</p> <p>15 (Break taken.)</p> <p>16 THE VIDEOGRAPHER: The time is 4:52</p> <p>17 p.m. Back on the record.</p> <p>18 BY MS. BONJEAN:</p> <p>19 Q. Just a couple questions. Sergeant</p> <p>20 Tietjen, do you know whose decision it was to</p> <p>21 ultimately decide to bring charges against Lee</p> <p>22 Evans and Philander Hampton for this case?</p> <p>23 A. No.</p> <p>24 Q. Were you present during any</p> <p>25 conversations when that decision was made?</p>
<p>Tietjen - Direct/Bonjean Page 298</p> <p>1 investigation, at least that's reflected in this</p> <p>2 affidavit in support, right?</p> <p>3 MR. VOMACKA: Same objection.</p> <p>4 MR. LIPSHUTZ: Same objection.</p> <p>5 A. Admission, and then the fire is the only.</p> <p>6 (Reporter requested clarification.)</p> <p>7 Q. The admission, and the -- I'm sorry.</p> <p>8 I don't want to put words in your mouth.</p> <p>9 A. He discussed -- the fire is new to us in</p> <p>10 here, and then his statements he made to us in</p> <p>11 his statement.</p> <p>12 Q. But the evidence about the fires</p> <p>13 wouldn't mean anything without Philander Hampton's</p> <p>14 statement; right?</p> <p>15 MR. VOMACKA: Objection to the form.</p> <p>16 MR. LIPSHUTZ: Objection to the form.</p> <p>17 MR. VOMACKA: Argumentative. You can</p> <p>18 answer the question.</p> <p>19 A. Correct.</p> <p>20 Q. Really -- the information about the</p> <p>21 fires was -- really corroborated Philander</p> <p>22 Hampton's account of what happened; correct?</p> <p>23 MR. VOMACKA: Same objection. You</p> <p>24 can answer.</p> <p>25 Q. In other words, without Philander</p>	<p>Tietjen - Direct/Bonjean Page 300</p> <p>1 A. No.</p> <p>2 Q. So the decision was already made by</p> <p>3 the time that you were at a meeting in March of</p> <p>4 2010?</p> <p>5 A. Yeah. The day of the meeting was the day</p> <p>6 that the complaints were signed.</p> <p>7 Q. Right. So you weren't present for</p> <p>8 any prior meetings where it was discussed?</p> <p>9 A. No.</p> <p>10 Q. And you don't know as you sit here</p> <p>11 today who ultimately made that decision, if anyone?</p> <p>12 A. No.</p> <p>13 Q. And you don't know why or the basis</p> <p>14 for the decision either; correct?</p> <p>15 A. No.</p> <p>16 Q. Just a couple questions. Have you</p> <p>17 ever been disciplined in the course of your</p> <p>18 employment as a police officer in the state police?</p> <p>19 A. No.</p> <p>20 Q. And have you been the subject of any</p> <p>21 civilian complaints?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know approximately how many?</p> <p>24 A. Maybe two.</p> <p>25 Q. In 25 years, just two, huh?</p>

<p>Tietjen - Direct/Bonjean Page 301</p> <p>1 A. Yes.</p> <p>2 Q. And do you know what they were about?</p> <p>3 A. It was a traffic stop related. Well, one</p> <p>4 is traffic stop related and one was a unit</p> <p>5 related.</p> <p>6 Q. A what related?</p> <p>7 A. I was in a unit where we had a sergeant</p> <p>8 first class who was undermining lieutenants, and</p> <p>9 someone left either human feces or dog feces in</p> <p>10 his mailbox, and he accused the entire unit. I</p> <p>11 was a principal in that one. And then I had a</p> <p>12 traffic stop where the individuals had a large bag</p> <p>13 of currency --</p> <p>14 (Reporter requested clarification.)</p> <p>15 A. A large bag with money in it, like full of</p> <p>16 money. So they weren't arrested, they were</p> <p>17 released with the money, but they tried to</p> <p>18 indicate that the stop was racially profiling,</p> <p>19 which was a motor vehicle violation. They were</p> <p>20 able to prove where the money came from and what</p> <p>21 it was going to, which was fine. They were never</p> <p>22 under arrest ever.</p> <p>23 Q. Okay. Have you ever been sued for</p> <p>24 any Civil Rights violations?</p> <p>25 A. Not that I'm aware of. I had a civil suit</p>	<p>Tietjen - Cross/Lipshutz Page 303</p> <p>1 MS. ROSEN: I do have some questions.</p> <p>2 MR. LIPSHUTZ: Do you want me to go</p> <p>3 first, or do you want to go?</p> <p>4 MS. ROSEN: You can go first.</p> <p>5 MR. LIPSHUTZ: Okay. I'll be quick.</p> <p>6 CROSS-EXAMINATION BY MR. LIPSHUTZ:</p> <p>7 Q. Detective Sergeant, I have a couple</p> <p>8 questions about a report that you haven't talked</p> <p>9 about, I don't think. It's the report, March 22nd,</p> <p>10 2010. I think it's part of your April 21st, 2001,</p> <p>11 supplemental report.</p> <p>12 Do you have that in front of you, or</p> <p>13 can you find it?</p> <p>14 A. Yes.</p> <p>15 Q. Do you have it in front of you?</p> <p>16 A. Yes.</p> <p>17 MR. LIPSHUTZ: Was that marked,</p> <p>18 Jennifer? Or court reporter?</p> <p>19 (Tietjen-7, Tietjen supplemental</p> <p>20 report dated 4/21/10, Bates ECPO 1315 through</p> <p>21 1317, was received and marked for identification.)</p> <p>22 MS. BONJEAN: Do you have the Bates</p> <p>23 stamp as well?</p> <p>24 MR. LIPSHUTZ: I'm looking at the one</p> <p>25 you uploaded. It's ECPO 1315 through 1317. Three</p>
<p>Tietjen - Direct/Bonjean Page 302</p> <p>1 years ago because I was named as a detective in</p> <p>2 the case, but I don't think it was a Civil Rights</p> <p>3 violation. I never had any depositions in it. So</p> <p>4 not that I'm aware of.</p> <p>5 Q. Do you know what --</p> <p>6 A. Repeat that.</p> <p>7 Q. Do you know what the allegation</p> <p>8 generally was?</p> <p>9 A. No. It was related -- it was so long ago.</p> <p>10 I was on the Turnpike. It wasn't my case, but I</p> <p>11 was one of the people that assisted in the case at</p> <p>12 some point.</p> <p>13 Q. Was it a case that was filed in state</p> <p>14 court?</p> <p>15 A. I believe it was federal court, but I</p> <p>16 didn't get anywhere with it.</p> <p>17 Q. And you don't remember what the</p> <p>18 subject matter of the allegation was?</p> <p>19 A. No. Our Civil Proceedings Unit should have</p> <p>20 a copy of that.</p> <p>21 MS. BONJEAN: Okay. I don't think I</p> <p>22 have any additional questions for Sergeant</p> <p>23 Tietjen. Thank you for your time.</p> <p>24 MR. LIPSHUTZ: Rebecca, do you have</p> <p>25 questions?</p>	<p>Tietjen - Cross/Lipshutz Page 304</p> <p>1 pages.</p> <p>2 Q. Okay. But before we get to that</p> <p>3 report, Detective Sergeant, you're part of a</p> <p>4 Missing Persons Unit at the time of this</p> <p>5 investigation; right?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know what unit Sergeant Henry</p> <p>8 and Detective Hadley were part of?</p> <p>9 A. I think it was a like a Robbery/Homicide.</p> <p>10 A Robbery -- I think it was just a Robbery. I</p> <p>11 don't know if it was Robbery/Homicide back in the</p> <p>12 day. I don't know the exact name of their unit.</p> <p>13 Q. Well, maybe could you return to the</p> <p>14 second page of this report, the number 7, the Bates</p> <p>15 stamp 1316, the second page?</p> <p>16 A. Oh, I have Cold Case Unit, but I don't even</p> <p>17 know if they had a Cold Case Unit, so that may</p> <p>18 have been a mistype there.</p> <p>19 Q. Well, if you read that, does that</p> <p>20 refresh your recollection?</p> <p>21 A. I don't know if they had a Cold Case Unit.</p> <p>22 Like, I think that was, like, when I'm reading it</p> <p>23 there, I don't know if I miswrote that, as I'm</p> <p>24 reading it right now, or if it was correct.</p> <p>25 Q. Well, I can't tell you one way or the</p>

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<p>Tietjen - Cross/Lipshutz Page 305</p> <p>1 other. I'm sure they would tell you but --</p> <p>2 MS. BONJEAN: Okay. Now it's</p> <p>3 editorializing.</p> <p>4 Q. Right. Okay. So you're not really</p> <p>5 sure what unit they were assigned to?</p> <p>6 A. Correct.</p> <p>7 Q. And Carrega, do you know what unit he</p> <p>8 was assigned to within the prosecutor's office?</p> <p>9 A. I believe it's the Homicide Unit, and he</p> <p>10 was assigned the cold case aspect of their, like,</p> <p>11 unit.</p> <p>12 Q. So he was a Homicide Unit detective</p> <p>13 and handling a cold case?</p> <p>14 A. Yes.</p> <p>15 Q. Now, did you ever take directions</p> <p>16 from Joe Hadley as part of your work on this case?</p> <p>17 A. No.</p> <p>18 Q. Did you ever take directions from</p> <p>19 Sergeant Henry as part of your work on this case?</p> <p>20 A. No.</p> <p>21 Q. There's been words thrown about in</p> <p>22 this deposition about a team and a crew. And what</p> <p>23 was your understanding about the role of Joe Hadley</p> <p>24 and Sergeant Henry, if you even have an</p> <p>25 understanding?</p>	<p>Tietjen - Cross/Lipshutz Page 307</p> <p>1 A. Correct.</p> <p>2 Q. Chief of Essex County Prosecutor's</p> <p>3 Office Detective Anthony Ambrose was present?</p> <p>4 A. Correct.</p> <p>5 Q. Lieutenant Carrega?</p> <p>6 A. Yes.</p> <p>7 Q. Henry Hadley and Murad Muhammed from</p> <p>8 the Newark Police Department?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Now, what do you recall</p> <p>11 happened at that meeting? Actually, let me ask you</p> <p>12 this. What do you recall Sergeant Henry saying at</p> <p>13 that meeting, if anything?</p> <p>14 A. I don't recall anything.</p> <p>15 Q. What do you recall Detective Hadley</p> <p>16 saying at that meeting, if anything?</p> <p>17 A. Nothing.</p> <p>18 Q. Okay. That's ambiguous. Do you not</p> <p>19 recall?</p> <p>20 A. I don't recall anything he said or Henry</p> <p>21 said.</p> <p>22 Q. Okay. What do you remember about</p> <p>23 that meeting at all?</p> <p>24 A. It was discussed that they had</p> <p>25 authorization for the arrest warrants.</p>
<p>Tietjen - Cross/Lipshutz Page 306</p> <p>1 A. They were, as I was, part of this, whatever</p> <p>2 you want to say, team, or whatever, that was</p> <p>3 trying to resolve this case. I know Newark is the</p> <p>4 lead on the missing person's case through, and</p> <p>5 then the county started the backup, and they were</p> <p>6 over as part of a co-investigation, co-op.</p> <p>7 Q. Am I correct that at the outset, it</p> <p>8 was a cold case, missing persons file, but then at</p> <p>9 some point it turned into a homicide investigation;</p> <p>10 am I correct?</p> <p>11 A. Yes.</p> <p>12 Q. Because, as I understand it, you and</p> <p>13 the other officers didn't know there was a homicide</p> <p>14 until Philander Hampton told you; am I correct</p> <p>15 about that?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. So take a look at this report,</p> <p>18 this supplemental report here, and the first page</p> <p>19 says that on Monday, March 22, 2010, that you</p> <p>20 attended a meeting at the prosecutor's office, and</p> <p>21 present at that meeting was Prosecutor Laurino; do</p> <p>22 you remember that?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And the Homicide Unit</p> <p>25 director, Greg DeMattia?</p>	<p>Tietjen - Cross/Lipshutz Page 308</p> <p>1 Q. Who is they?</p> <p>2 A. The county had obtained.</p> <p>3 Q. Okay. So that's what I'm confused</p> <p>4 about. I understand at that meeting you guys</p> <p>5 figured out a plan to go and arrest Hampton and</p> <p>6 Evans; right?</p> <p>7 A. Correct.</p> <p>8 Q. But the authorization for the</p> <p>9 warrant, did that come from anyone from the Newark</p> <p>10 Police Department or division?</p> <p>11 MS. BONJEAN: Objection. Form,</p> <p>12 foundation.</p> <p>13 Q. Did you understand my question?</p> <p>14 A. Yes. And no, it did not. I don't know if</p> <p>15 they were consulted, but as far as I know, it was</p> <p>16 the county, someone in the county would have</p> <p>17 decided to press forward.</p> <p>18 Q. Have you ever sought an arrest</p> <p>19 warrant --</p> <p>20 A. Yes.</p> <p>21 Q. -- before a judge? You have. Okay.</p> <p>22 Did you understand that your role in</p> <p>23 this case at any point would be to seek a warrant</p> <p>24 for the arrest of Evans or Hampton?</p> <p>25 A. Yes.</p>

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<p>Tietjen - Cross/Lipshutz Page 309</p> <p>1 Q. No, you personally?</p> <p>2 A. No, no, no, never me.</p> <p>3 Q. Why not?</p> <p>4 A. I was an assistant on this. It wasn't my</p> <p>5 case.</p> <p>6 Q. Did you have any understanding that</p> <p>7 Detective Hadley or Sergeant Henry would have the</p> <p>8 obligation to go seek a warrant for the arrest of</p> <p>9 Evans or Hampton?</p> <p>10 A. No.</p> <p>11 MS. BONJEAN: Objection. Form,</p> <p>12 foundation.</p> <p>13 Q. You did not have that understanding?</p> <p>14 A. No.</p> <p>15 Q. It may be a badly formed question.</p> <p>16 A. No, I did not.</p> <p>17 Q. Okay. Last question, or last topic.</p> <p>18 Philander Hampton's statement. Did you then have</p> <p>19 any reason to believe that Hampton lied about Lee</p> <p>20 Evans' involvement in the homicide of these five</p> <p>21 teenagers?</p> <p>22 A. No.</p> <p>23 Q. Today, at your deposition, do you</p> <p>24 have any reason to believe that Hampton lied about</p> <p>25 Lee Evans' involvement in the homicide of these</p>	<p>Tietjen - Cross/Rosen Page 311</p> <p>1 MS. ROSEN: I just have a few</p> <p>2 questions.</p> <p>3 CROSS-EXAMINATION MS. ROSEN:</p> <p>4 Q. Lieutenant -- Sergeant, were you</p> <p>5 involved in the arrest of Lee Evans?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know who ordered Carrega to</p> <p>8 stay in the office on the date of Evans' arrest?</p> <p>9 A. I don't know any of that.</p> <p>10 Q. And do you know who arrested Evans?</p> <p>11 A. Myself and Sergeant Henry arrested Evans.</p> <p>12 I believe the other detectives there was Hadley</p> <p>13 and Murad Muhammed. And then he was transported</p> <p>14 from our location, I believe, by Lieutenant</p> <p>15 Carrega. I'm pretty positive he's the one that</p> <p>16 transports him to the county. So to say he was</p> <p>17 locked in his room would be not anything I was</p> <p>18 aware of.</p> <p>19 Q. And how do you know that Carrega</p> <p>20 transported him?</p> <p>21 A. I was on the scene of the arrest.</p> <p>22 Q. So you saw him transport him?</p> <p>23 A. I saw him depart with him. To the best of</p> <p>24 my recollection, I believe he was even at</p> <p>25 Philander Hampton's arrest, too, but I wasn't at</p>
<p>Tietjen - Cross/Lipshutz Page 310</p> <p>1 five teenagers?</p> <p>2 A. None whatsoever.</p> <p>3 Q. What do you mean "none whatsoever"?</p> <p>4 A. No, like an emphatical [sic] no.</p> <p>5 Q. Well, you're aware -- you obviously</p> <p>6 are aware that a jury acquitted Lee Evans; right?</p> <p>7 A. Correct.</p> <p>8 Q. Now, does that change your opinion --</p> <p>9 A. No.</p> <p>10 Q. -- or your belief?</p> <p>11 A. No, no.</p> <p>12 Q. Why not?</p> <p>13 A. Because I know what was presented to us,</p> <p>14 and I know what was presented in trial, and there</p> <p>15 were statements made as I sat there that were</p> <p>16 different than what was provided as well. You can</p> <p>17 look at the transcript. I saw the case change, so</p> <p>18 I thought when I was there that this was</p> <p>19 definitely not going to happen. But I still</p> <p>20 believe wholeheartedly that Lee Evans and</p> <p>21 Philander Hampton killed those boys in that</p> <p>22 building.</p> <p>23 MR. LIPSHUTZ: Okay. I don't have</p> <p>24 any other questions. Thank you, Detective</p> <p>25 Sergeant.</p>	<p>Tietjen - Cross/Rosen Page 312</p> <p>1 that location.</p> <p>2 Q. So how do you know that he was there?</p> <p>3 A. No, that's my belief.</p> <p>4 Q. What's the basis for your belief?</p> <p>5 A. We had broken up into teams.</p> <p>6 Q. I don't understand. Can you give</p> <p>7 more information about that?</p> <p>8 A. Well, we broke up into arrest teams who</p> <p>9 would go to what location.</p> <p>10 Q. So you knew that he was part of</p> <p>11 arrest team assigned to that arrest?</p> <p>12 A. I didn't write that down. That's my</p> <p>13 recollection. I believe he was the one who went</p> <p>14 to -- if I was at Lee Evans, but I also wrote that</p> <p>15 Lieutenant Carrega and other Essex County</p> <p>16 Detectives --</p> <p>17 (Reporter requested clarification.)</p> <p>18 A. I wrote that Lieutenant Carrega and other</p> <p>19 Essex County detectives responded to our location</p> <p>20 to transport Lee Evans to the Essex County</p> <p>21 Prosecutor's Office.</p> <p>22 Q. And did you also write down that</p> <p>23 Carrega was part of the arrest of Hampton?</p> <p>24 A. No, I did not.</p> <p>25 Q. So it's just your recollection --</p>

<p>Tietjen - Cross/Rosen Page 313</p> <p>1 A. Correct.</p> <p>2 Q. -- based on conversations with</p> <p>3 someone?</p> <p>4 A. No, just based upon my memories of that</p> <p>5 day.</p> <p>6 Q. Okay.</p> <p>7 A. Whether he made it there or not, I don't</p> <p>8 know.</p> <p>9 Q. Do you know who Evans spoke to when</p> <p>10 he was brought in?</p> <p>11 MS. BONJEAN: Objection. Form.</p> <p>12 Q. When he was arrested, do you know who</p> <p>13 he spoke to?</p> <p>14 MS. BONJEAN: Objection. Foundation</p> <p>15 as well. Sorry for the late objection.</p> <p>16 A. I'm trying to figure out like in the</p> <p>17 interview room that he was brought into, it was</p> <p>18 myself and Detective Hadley who tried to initiate</p> <p>19 an interview. I don't know if anybody had any</p> <p>20 words at all with him prior to that.</p> <p>21 Q. And did he ask for an attorney?</p> <p>22 A. Yes.</p> <p>23 Q. Did he speak to an attorney at that</p> <p>24 time?</p> <p>25 A. No.</p>	<p>Tietjen - Cross/Rosen Page 315</p> <p>1 information?</p> <p>2 A. That's just a probably. Because he was</p> <p>3 intimately involved with the case. I don't know</p> <p>4 who did, but I'm just surmising it was him, so</p> <p>5 it's not a yes or no. I don't know who.</p> <p>6 Q. Is it possible that you got that</p> <p>7 information from someone else?</p> <p>8 A. It's possible, yes.</p> <p>9 Q. So you had said earlier when -- on</p> <p>10 November 12, 2008, that Carrega would know whether</p> <p>11 Hampton consented to go to Newark. Why did you say</p> <p>12 that?</p> <p>13 A. I guess that would be -- he was the one who</p> <p>14 organized it, so he would be the one to discuss</p> <p>15 that with. I don't have --</p> <p>16 (Reporter asked for clarification.)</p> <p>17 MS. BONJEAN: He said he didn't have</p> <p>18 a report written by him or notes; right?</p> <p>19 A. Yes. He was the one who was organizing the</p> <p>20 whole thing. So someone there, whether it's</p> <p>21 Carrega or not, obtained that consent, verbal or</p> <p>22 whatever, to go on to Newark.</p> <p>23 Q. It could have been someone other than</p> <p>24 Carrega, though?</p> <p>25 A. Correct.</p>
<p>Tietjen - Cross/Rosen Page 314</p> <p>1 Q. Okay. I just have a few more</p> <p>2 questions. So when you were first assigned to the</p> <p>3 case in May of 2008, you had said that Carrega had</p> <p>4 identified Evans as a lead suspect. How do you</p> <p>5 know that Carrega had said that he had Evans as a</p> <p>6 lead suspect at that time?</p> <p>7 A. Because that's what he discussed with me.</p> <p>8 Q. Do you remember when he discussed</p> <p>9 that?</p> <p>10 A. We spoke that day on May 8th. We had a</p> <p>11 short conversation there and then set up our</p> <p>12 meeting as well and then called me -- or on May</p> <p>13 2nd. May 8th he called my about Philander</p> <p>14 Hampton, and then we had a meeting on the 9th.</p> <p>15 Q. And do you have notes to that effect?</p> <p>16 A. I have reports to that effect.</p> <p>17 Q. Okay. And how do you remember after</p> <p>18 that meeting that Carrega asked you to look into</p> <p>19 information about Philander Hampton?</p> <p>20 A. Because I took notes of the conversation,</p> <p>21 the information about Philander Hampton, and then</p> <p>22 memorialized it in my report.</p> <p>23 Q. You had said earlier that Carrega</p> <p>24 probably told you about the psychic. Why do you</p> <p>25 think it was Carrega that had told you that</p>	<p>Tietjen - Redirect/Bonjean Page 316</p> <p>1 Q. And how do you know that Hampton went</p> <p>2 in the vehicle with Carrega to Newark?</p> <p>3 A. Because he told me.</p> <p>4 MS. ROSEN: Those are all my</p> <p>5 questions. Thank you.</p> <p>6 MS. BONJEAN: I just have maybe one</p> <p>7 other two based on that, unless someone else has.</p> <p>8 I don't know if there's anyone else?</p> <p>9 MR. LIPSHUTZ: I have nothing else.</p> <p>10 MS. BONJEAN: Okay. And does</p> <p>11 Sergeant Tietjen's attorneys have anything for</p> <p>12 him?</p> <p>13 MR. DIFRANCESCO: No, we have no</p> <p>14 questions.</p> <p>15 REDIRECT EXAMINATION BY MS. BONJEAN:</p> <p>16 Q. I just want to be clear on something.</p> <p>17 You were asked to assist in this investigation by</p> <p>18 Lieutenant Carrega; is that right, Sergeant?</p> <p>19 A. Yes.</p> <p>20 Q. And there were other officers who</p> <p>21 were assisting in the investigation; correct?</p> <p>22 A. Yes.</p> <p>23 Q. And whether we call it a team or</p> <p>24 whatever word you want to use, there were a number</p> <p>25 of you working and collaborating together to</p>

<p>Tietjen - Redirect/Bonjean Page 317</p> <p>1 investigate this cold case in order to bring it to 2 a conclusion; correct? 3 A. Correct. 4 Q. And it's your understanding that both 5 Detectives Hadley and, I guess, Sergeant Henry were 6 part of this group that was working together to 7 solve the case of the five missing boys; correct? 8 A. Correct. 9 Q. And, in fact, all of you individuals 10 had different tasks that you were assigned to do 11 with the goal of solving the case of the five 12 missing boys; right? 13 A. Yes. 14 Q. And at the time that -- you testified 15 to this. But at the time you came on the case, 16 they were presumed dead, or at least certainly 17 after you did your initial Experian look at the 18 case, they were presumed dead; is that right? 19 A. Yes. 20 Q. And all the individuals I just 21 mentioned were, in fact, present for Philander 22 Hampton's statement, including yourself; correct? 23 MR. VOMACKA: Objection to form, but 24 you can answer. 25 A. You'd have to -- all of them. Let's go</p>	<p>Tietjen - Redirect/Bonjean Page 319</p> <p>1 Hampton testified before the Grand Jury consistent 2 with what he told you and your fellow officers, 3 would you agree that that evidence was developed 4 first by you and your fellow officers, Mr. Hadley, 5 Mr. Henry, and Lieutenant Carrega? 6 A. Yes. 7 MS. BONJEAN: I have nothing further. 8 Thank you. All right. 9 MR. LIPSHUTZ: Sounds like we're all 10 done, Detective Sergeant. Nice to meet you. 11 Oh, by the way, I do have one 12 question. Have we spoken before or met or talked 13 before, Detective Sergeant? 14 THE WITNESS: I don't know. I mean, 15 it's -- I don't recognize you. 16 MR. LIPSHUTZ: Okay. Thank you. 17 That's all. 18 MR. VOMACKA: Thank you, Audrey. 19 MS. BONJEAN: Thank you, Audrey. 20 THE VIDEOGRAPHER: The time is 5:16. 21 This concludes the deposition. 22 MR. LIPSHUTZ: Oh, I'd like a copy of 23 the transcript. 24 (Concluded at 5:44 p.m.) 25</p>
<p>Tietjen - Redirect/Bonjean Page 318</p> <p>1 over the names again. Henry, Hadley, Carrega, and 2 myself; is that what you're saying? 3 Q. Yes. 4 A. Yeah, we were all present. Henry was not 5 in the room. Whether he was actively monitoring 6 the video on a monitor or outside or not, I don't 7 know. 8 Q. Okay. And ultimately, I think what 9 you said in response to Mr. Lipshutz's question was 10 that the prosecutors ultimately made the decision 11 to indict? 12 A. Yes, someone there. 13 Q. And the prosecutors relied on your 14 work and your fellow officers' work in securing an 15 indictment against Philander Hampton and Lee Evans; 16 correct? 17 MR. VOMACKA: Objection to the form 18 and foundation. 19 MR. LIPSHUTZ: Objection to form. 20 MR. VOMACKA: You can answer. 21 A. I don't know what was presented to get the 22 indictment. I know I provided my case work to 23 them. 24 Q. Right. Well, Philander Hampton 25 testified before the Grand Jury. And if Philander</p>	<p>Page 320</p> <p>1 CERTIFICATE OF OFFICER 2 3 I CERTIFY that the foregoing is a true and 4 accurate transcript of the testimony and 5 proceedings as reported stenographically by me at 6 the time, place and on the date as hereinbefore 7 set forth. 8 9 I DO FURTHER CERTIFY that I am neither a 10 relative nor employee nor attorney or counsel of 11 any of the parties to this action, and that I am 12 neither a relative nor employee of such attorney 13 or counsel, and that I am not financially 14 interested in the action. 15 16 17 18 AUDREY ZABAWA, C.C.R. 19 Certificate No. XI01410 20 21 22 23 24 25</p>

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1
2 I, WILLIAM TIETJEN, JR., have read the
3 foregoing transcript and hereby certify that it is
4 a true and accurate transcript of my testimony.

5
6
7 WILLIAM TIETJEN, JR.

8
9
10
11 Sworn and subscribed to before me
12 this day of , 2020.

13
14
15
16 A Notary Public of the
17 State of .
18 My Commission Expires:

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Evans v.
Newark City

Video Deposition

William H. Tietjen, Jr.

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Evans v.
Newark City

Video Deposition

William H. Tietjen, Jr.

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2		3		9

EXHIBIT B

POLICE CASE NO.
COURT SUPERIOR
COUNTY OF ESSEX N.J.
COURT CODE NUMBER
COURT DOCKET NUMBER(S) C—

The State of New Jersey

vs.

W-2010-820637-0
W820637

Defendant / Alias LEE ANTHONY EVANS
 Address 10 MELVILLE PLACE 773-703-9639
 City, State IRVINGTON, NJ
 Date of birth 6/14/1953 Date of arrest

Number of co-defendants 1 Dr. Lic.# 149-44-1453 SBI No. 602567A

Complainant: LT. LOUIS CARREGA of ESSEX COUNTY PROSECUTOR'S OFFICE
 (NAME OF COMPLAINANT) (IDENTIFY DEPARTMENT OR AGENCY REPRESENTED)

Residing at E.C. VETERANS COURTHOUSE, NEWARK, NJ Upon oath says that, to the best of (his) (her) knowledge,
 (ADDRESS OF PRIVATE CITIZEN COMPLAINANT) information and belief, the named defendant on or about the

day of AUG. 20 1978 in the CITY of NEWARK MUNICIPAL CODE NO. 0714 County of ESSEX N.J.

did: WILFULLY, FELONIOUSLY AND OF HIS MALICE AFORETHOUGHT KILL AND MURDER
 ALVIN TURNER, A COMRADE THEN FIRST DEGREE, 1CTad 2A:113-2, A CRIME OF THEFT FIRST
 DEGREE, CT. 9.

DID WILFULLY, FELONIOUSLY AND OF HIS MALICE AFORETHOUGHT KILL AND MURDER
 MICHAEL MCDOWELL, CONTRARY TO N.J.A., 2A:113-1 and 2A:113-2, A CRIME OF THE
 FIRST DEGREE, CT. 10

PROBABLE CAUSE: SEE AFFIDAVIT OF DET LOUIS CARREGA

Charge Number 1 N.J.S. 2A:113-1 and 2A:113-2	Charge Number 2 N.J.S. 2A:113-1 and 2A:113-2	Charge Number 3 N.J.S. 2A:113-1 and 2A:113-2
Charge Number 1 As Amended N.J.S.	Charge Number 2 As Amended N.J.S.	Charge Number 3 As Amended N.J.S.

Subscribed and sworn to before me this 22nd day of August, 2010.

Signed _____
 (NAME AND TITLE OF PERSON ADMINISTERING OATH)

Signed _____
 (COMPLAINANT)

To any peace officer or other authorized person: Pursuant to this warrant, you are hereby commanded to arrest the named defendant and bring (him)(her) forthwith before this court to answer the foregoing complaint.

Bail has been fixed by _____ In the amount of \$ 5,000.00 or _____
 (Specify condition of release, e.g. R.O.R.)

Date Warrant Issued 8/17/10

Court Appearance Date 72 hours Time (AM) (PM)

SIGNATURE OF JUDGE OR CLERK

(IF YOU INTEND TO PLEAD NOT GUILTY, YOU MUST NOTIFY
 THE COURT AT LEAST THREE DAYS IN ADVANCE OF YOUR
 SCHEDULED COURT APPEARANCE DATE.)

EVANS000001

The State of New Jersey

vs.

W.820632

POLICE CASE NO.			
COURT	SUPERIOR		
COUNTY OF	ESSEX	N.J.	
COURT CODE NUMBER			
COURT DOCKET NUMBER(S)	C—		
Defendant / Alias	LEE ANTHONY EVANS		
Address	10 MELVILLE PLACE		SS No.
City, State	IRVINGTON, NJ		
Date of birth	6/14/1953	Date of arrest	

Number of co-defendants 1 Dr. Lic.# _____ SBI No. 602567A

COMPLAINT

Complainant: LT. LOUIS CARREGA of ESSEX COUNTY PROSECUTOR'S OFFICE
(NAME OF COMPLAINANT) (IDENTIFY DEPARTMENT OR AGENCY REPRESENTED)

Residing at E.C. VETERANS COURTHOUSE NEWARK, NJ Upon oath says that, to the best of (his) (her) knowledge
(ADDRESS OF PRIVATE CITIZEN COMPLAINANT) information and belief, the named defendant on or about the

22 day of AUG., 20 1978, in the CITY of NEWARK 0714 County of ESSEX N.J.

did; WHILE IN THE COURSE OF COMMITTING OR ATTEMPTING TO COMMIT ARSON ~~OR~~ WHICH THE PROBABLE CONSEQUENCES WAS BLOODSHED DID KILL OR CAUSE THE DEATH OF RANDY JACOBSON, CONTRARY TO N.J.S. 2A:113-1 and 2A:113-2, A CRIME OF THE FIRST DEGREE, CT.1

DID WHILE IN THE COURSE OF COMMITTING OR ATTEMPTING TO COMMIT ARSON OF WHICH THE PROBABLE CONSEQUENCES WAS BLOODSHED DID KILL OR CAUSE THE DEATH OF ERNEST TAYLOR CONTRARY TO N.J.S. 2A:113-1 and 2A:113-2, A CRIME OF THE FIRST DEGREE, CT.2

DID WHILE IN THE COURSE OF COMMITTING OR ATTEMPTING TO COMMIT ARSON ~~OR~~ WHICH THE PROBABLE CONSEQUENCES WAS BLOODSHED DID KILL OR CAUSE THE DEATH OF MELVIN PITTMAN CONTRARY TO N.J.S. 2A:113-1 and 2A:113-2, A CRIME OF THE FIRST DEGREE, CT.3

PC: SEE AFFIDAVIT OF LT. LOUIS CARREGA

Charge Number 1 N.J.S. 2A:113-1 and 2A:113-2	Charge Number 2 N.J.S. 2A:113-1 and 2A:113-2	Charge Number 3 N.J.S. 2A:113-1 & 2A:113-2
Charge Number 1 As Amended N.J.S.	Charge Number 2 As Amended N.J.S.	Charge Number 3 As Amended N.J.S.

Subscribed and sworn to before me this 22 day of August 20 1978.

Signed _____ Signed _____
(NAME AND TITLE OF PERSON ADMINISTERING OATH) (COMPLAINANT)

To any peace officer or other authorized person: Pursuant to this warrant, you are hereby commanded to arrest the named defendant and bring (him)(her) forthwith before this court to answer the foregoing complaint.

Ball has been fixed by 22 AUG 1978 In the amount of \$ _____ or _____
(Specify condition of release, e.g. R.O.R.)

Date Warrant Issued _____

Court Appearance Date _____ Time _____ (AM) (PM)

SIGNATURE OF JUDGE OR CLERK

(IF YOU INTEND TO PLEAD NOT GUILTY, YOU MUST NOTIFY THE COURT AT LEAST THREE DAYS IN ADVANCE OF YOUR SCHEDULED COURT APPEARANCE DATE.)

EVANS000002

POLICE CASE NO.
COURT SUPERIOR
COUNTY OF ESSEX N.J.
COURT CODE NUMBER
COURT DOCKET NUMBER(S) C—

The State of New Jersey

vs.

W820633

Defendant / Alias LEE ANTHONY EVANS

Address 10 MELVILLE PLACE

City, State IRVINGTON, NJ SS No. _____

Date of birth 6/14/1953 Date of arrest _____

Number of co-defendants 22 Dr. Lic.# _____ SBI No. 602567A

COMPLAINT

Complainant: LT. LOUIS CARREGA of ESSEX COUNTY PROSECUTOR'S OFFICE
(NAME OF COMPLAINANT) (IDENTIFY DEPARTMENT OR AGENCY REPRESENTED)

Residing at E.C. VETERANS COURTHOUSE, NEWARK, NJ Upon oath says that, to the best of (his) (her) knowledge,
(ADDRESS OF PRIVATE CITIZEN COMPLAINANT) information and belief, the named defendant on or about the

ON day of AUG. 20 1978 in the CITY of NEWARK 0714 County of ESSEX N.J.

did; WHILE IN THE COURSE OF COMMITTING OR ATTEMPTING TO COMMIT ARSON ON WHICH THE PROBABLE CONSEQUENCES WAS BLOODSHED DID KILL OR CAUSE THE DEATH OF ALVIN TURNER, CONTRARY TO N.J.S. 2A:113-1 and 2A:113-2, A CRIME OF THE FIRST DEGREE, CT.4

DID WHILE IN THE COURSE OF COMMITTING OR ATTEMPTING TO COMMIT ARSON OF WHICH THE PROBABLE CONSEQUENCES WAS BLOODSHED DID KILL OR CAUSE THE DEATH OF MICHAEL MCDOW CONTRARY TO N.J.S. 2A:113-1 and 2A:113-2, A CRIME OF THE FIRST DEGREE, CT.5

PC: SEE AFFIDAVIT OF LT. LOUIS CARREGA

Charge Number 1 N.J.S. <u>2A:113-1 and 2A:113-2</u>	Charge Number 2 N.J.S. <u>2A:113-1 and 2A:113-2</u>	Charge Number 3 N.J.S. _____
Charge Number 1 As Amended N.J.S. _____	Charge Number 2 As Amended N.J.S. _____	Charge Number 3 As Amended N.J.S. _____

Subscribed and sworn to before me this 22 day of AUG., 2010

Signed _____
(NAME AND TITLE OF PERSON ADMINISTERING OATH)

Signed _____
(COMPLAINANT)

To any peace officer or other authorized person: Pursuant to this warrant, you are hereby commanded to arrest the named defendant and bring (him)(her) forthwith before this court to answer the foregoing complaint.

Bail has been fixed by W 15825637 in the amount of \$ _____ or _____
(Specify condition of release, e.g. R.O.R.)

Date Warrant Issued _____

Court Appearance Date _____ Time _____ (AM) (PM)

SIGNATURE OF JUDGE OR CLERK

(IF YOU INTEND TO PLEAD NOT GUILTY, YOU MUST NOTIFY THE COURT AT LEAST THREE DAYS IN ADVANCE OF YOUR SCHEDULED COURT APPEARANCE DATE.)

EVANS000003

POLICE CASE NO.	
COURT	SUPERIOR
COUNTY OF	ESSEX N.J.
COURT CODE NUMBER	
COURT DOCKET NUMBER(S)	C—

The State of New Jersey

vs.

W820636

Defendant / Alias LEE ANTHONY EVANS

Address 10 MELVILLE PLACE

SS No.

City, State IRVINGTON, NJ

Date of birth 6/14/1953 Date of arrest

Number of co-defendants 1 Dr. Lic.#

SBI No. 602567A

COMPLAINT

Complainant: LT. LOUIS CARREGA
(NAME OF COMPLAINANT)of ESSEX COUNTY PROSECUTOR'S OFFICE
(IDENTIFY DEPARTMENT OR AGENCY REPRESENTED)Residing at E.C. VETERANS COURTHOUSE, NEWARK, NJ
(ADDRESS OF PRIVATE CITIZEN COMPLAINANT)

Upon oath says that, to the best of (his) (her) knowledge, information and belief, the named defendant on or about the

day of AUG. 1978, in the CITY NEWARK

MUNICIPAL CODE NO.
0714

County of ESSEX N.J.

did; WILEBUGZY, FELONIOUSLY AND OF HIS MALICE AFORETHOUGHT KILL AND MURDER

RANDY JOHNSON, CONTRARY TO N.J.S. 2A:113-2 and N.J.S. 2A:113-2, A CRIME OF THE FIRST DEGREE, CT.6

DID WILEBUGZY, FELONIOUSLY AND OF HIS MALICE AFORETHOUGHT KILL AND MURDER ERNEST TAYLOR, CONTRARY TO N.J.S. 2A:113-1 and 2A:113-2, A CRIME OF THE FIRST DEGREE, CT.7.

DID WILFULLY, FELONIOUSLY AND OF HIS MALICE AFORETHOUGHT KILL AND MURDER MELVIN PITTMAN, CONTRARY TO N.J.S. 2A:113-1 and 2A:113-2, A CRIME OF THE FIRST DEGREE, CT.8

AFFIDAVIT OF LT. LOUIS CARREGA

Charge Number 1 N.J.S. 2A:113-1 and 2A:113-2	Charge Number 2 N.J.S. 2A:113-1 and 2A:113-2	Charge Number 3 N.J.S. 2A:113-1 and 2A:113-2
Charge Number 1 As Amended N.J.S.	Charge Number 2 As Amended N.J.S.	Charge Number 3 As Amended N.J.S.

Subscribed and sworn to before me this 22ND day of AUGUST, 2010.

Signed
(NAME AND TITLE OF PERSON ADMINISTERING OATH)Signed
(COMPLAINANT)

To any peace officer or other authorized person: Pursuant to this warrant, you are hereby commanded to arrest the named defendant and bring (him)(her) forthwith before this court to answer the foregoing complaint.

Bail has been fixed by \$618,206.37 In the amount of \$ or (Specify condition of release, e.g. R.O.R.)

Date Warrant Issued

Court Appearance Date Time (AM) (PM)

SIGNATURE OF JUDGE OR CLERK

(IF YOU INTEND TO PLEAD NOT GUILTY, YOU MUST NOTIFY THE COURT AT LEAST THREE DAYS IN ADVANCE OF YOUR SCHEDULED COURT APPEARANCE DATE.)

EVANS000004

ROBERT LAURINO
ACTING ESSEX COUNTY PROSECUTOR
ESSEX COUNTY COURT HOUSE
NEWARK, NEW JERSEY 07102
(973) 621-4700

INVESTIGATION INTO	:	SUPERIOR COURT OF NEW JERSEY ESSEX COUNTY
THE DEATHS OF	:	
	:	AFFIDAVIT IN SUPPORT OF
Randy Johnson		
Michael McDowel		ARREST WARRANTS
Melvin (Ricky) Pittman	:	
Ernest Taylor		
Alvin Turner		

Detective Lieutenant Louis Carrega, of full age, being duly sworn according to law, upon his oath, deposes and says:

1. I am Lieutenant of Detectives in the Essex County Prosecutor's Office Homicide Squad. I have been a member of law enforcement since September 1985. Prior to my present assignment, I had various other assignments including Executive Officer of the Essex/Union Auto Theft Task Force and also as Lieutenant in charge of Major Crimes. I was a Detective in the Homicide Squad for approximately 5 years. I was responsible for the coordination of information regarding individuals involved in felony crimes that are gang related. As a homicide detective, my duties included the investigation of all homicides, suspicious deaths, police related shootings and other special investigations. During my tenure with the Homicide Squad as a detective I investigated over 100 cases. My training includes completion of the Union County Police Academy, Attorney Generals Office Basic Course for Investigators, Trenton, NJ, Union County Police Academy Methods of Instruction Course. I have also completed several other Training Courses involving Police Supervision given by the Federal Bureau of Investigation. I am familiar with the facts contained herein.

2. I have been assigned to investigate the disappearance and deaths of Randy Johnson, Michael McDowel, Melvin (Ricky) Pittman, Ernest Taylor and Alvin Turner, which occurred on or about August 20, 1978 at or near 256 Camden Street in Newark, New Jersey

3. This Affidavit is being offered in support of the State's application for the issuance of a Warrant for the arrest of Philander Hampton and Lee Evans.

4. On or about August 20, 1978 Newark Police were notified by members of the families of Randy Johnson, Michael McDowel, Melvin (Ricky) Pittman, Ernest Taylor and Alvin Turner, that these five boys, all between the ages of 16 and 17 years old, had not returned home and were missing

5. Investigation revealed that each of the five boys had last been seen in the company of Lee Evans, a local contractor.

6. On August 22, 1978 and on August 25, 1978 Lee Evans stated to police that he commonly picked up the FIVE boys sometimes to help him with construction work. Lee Evans stated to police that on the day they disappeared he had picked up Melvin Pittman, Michael McDowel and Randy Johnson and later dropped them off along Clinton Avenue at approximately 8:00 PM. He further stated that at approximately 10:30 PM he picked up Michael McDowel, Alvin Turner and Ernest Taylor to help him move boxes but again dropped them off in the vicinity of Clinton Avenue and Fabyan Place in Newark.

7. On August 23, 1978 Ruby Taylor, sister of Ernest Taylor, stated that Melvin Pittman came to her house and asked her brother, Ernest Taylor, to go with him to pick up some boxes on Camden Street. She stated that she saw her brother get on a pick up truck belonging to Lee Evans with Melvin Pittman and several other young boys.

8. Janet Lawson, the mother of Michael McDowell stated on August 23, 1978 that the last time she saw her son he was with Lee Evans in his pick-up truck.

9. Marvin Hall stated on October 31, 1978 that he was on Fabyan Place at approximately 9:30 PM with Alvin Turner. He stated that Lee Evans came by in his pick up with Michael McDowell. Evans gave him money to buy a milkshake and Alvin stated he was going home. Alvin was never seen again.

10. On or about August 21, 1978 the residential structure located at 256 Camden Street, Newark, N.J. was involved in a three Alarm fire. Fire Investigators Delk and Harris reported that it was their opinion that an incendiary was used to start the fire and that two black males had been observed by neighbors to have fled the building immediately before the fire began.


11. On November 13, 2008 Philander Hampton was interviewed by Lt. Louis Carrega, ECPO, Det. Joseph Hadly, NPD and Det. Trooper William Tietjen, NJSP. Hampton stated to officers that he resided on the third floor of 256 Camden Street aforesaid and that he moved out on Saturday, August 19, 1978. Hampton stated that he participated in the murder of the five missing boys and that he was assisting his cousin Lee Evans, who he knew wanted to kill the boys. Philander Hampton stated that he held two of the boys at gun point at 256 Camden Street

while Lee Evans rounded up the other three boys. Hampton stated that the five boys were then put in a closet, the closet was nailed shut and the room was doused with gasoline. Lee Evans lit the house on fire. Hampton further stated that he and Lee Evans ran out from the back of the house.

12. The multi family dwelling at 256 Camden Street, Newark, New Jersey was subsequently demolished. The bodies of the five missing boys were never recovered.

13. A search of all pertinent data bases revealed that none of the missing boys ever applied for or received drivers licenses, their social security numbers have not been used, they have not applied for passports, they have never contacted family members and they have never applied for social services.

For the foregoing reasons it is respectfully requested that warrants for the arrest of Philander Hampton and Lee Evans be issued for the murders of Randy Johnson, Michael McDowell Melvin (Ricky) Pittman, Ernest Taylor and Alvin Turner.


DETECTIVE LOUIS CARREGA
ESSEX COUNTY PROSECUTOR'S OFFICE
HOMICIDE SQUAD

SWORN TO AND SUBSCRIBED BEFORE
ME THIS ^{22nd} DAY OF MARCH, 2010

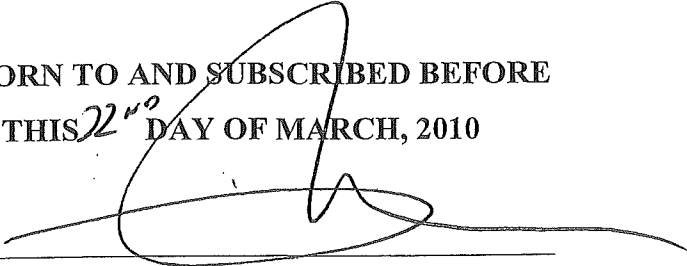

HONORABLE PETER J. VAZQUEZ, P.J.CR
SUPERIOR COURT OF NEW JERSEY
ESSEX COUNTY

EXHIBIT C

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY
3
4 Civil Action No. 14-cv-120(KM-MAH)
5
6 LEE EVANS,
7
8 Plaintiff,
9
10 -vs- DEPOSITION OF:
11
12 NEWARK CITY, FORMER MAYOR LEE EVANS
13 CORY A. BOOKER, NEWARK POLICE
14 DEPARTMENT, FORMER NEWARK POLICE
15 DIRECTOR GARRY MCCARTHY, OFFICER
16 JOE HADLEY, DETECTIVE RASHID SABUR,
17 DETECTIVE KEITH SHEPPARD, SGT.
18 DARNELL HENRY, DETECTIVE JOSEPH
19 HADLEY, OFFICER ANGEL RAMOS,
20 NEWARK POLICE OFFICER JOHN DOE (1-10)
21 ESSEX COUNTY NEW JERSEY, ESSEX COUNTY
22 PROSECUTOR'S OFFICE, FORMER ACTING
23 ESSEX COUNTY PROSECUTOR ROBERT D.
24 LAURINO, FORMER ESSEX COUNTY
25 PROSECUTOR DOW, ASSISTANT PROSECUTOR
26 PETER GUARINO, ASSISTANT PROSECUTOR
27 CHERYL CUCINELLO, DETECTIVE LOUIS
28 CORRETEGA, DETECTIVE CHRISTOPHER
29 SMITH, LT. LOU CORREGA, AGENT JACK
30 EUTSEY, DETECTIVE MICHAEL M. RECKENWALD,
31 INVESTIGATOR EDWARD JONES, INVESTIGATOR
32 PATRICK DEFRANCISI, ESSEX COUNTY SHERIFF'S
33 OFFICE, SHERIFF OFFICERS JOHN DOE (1-10),
34 JUDGE PETER VASQUEZ, NEW JERSEY STATE POLICE
35 DEPARTMENT, DETECTIVE WILLIAM TIETJEN,
36 AND NEW JERSEY STATE TROOPER (1-10),
37
38 Defendants.
39
40
41
42 Thursday, March 18, 2021
43
44
45

1 APPEARANCES: 3

2

3 BONJEAN LAW GROUP, PLLC

4 BY: JENNIFER BONJEAN, ESQ.

5 ASHLEY COHEN, ESQ.

6 HALEY COOLBAUGH, PARALEGAL

7 467 Saint Johns Place

8 Brooklyn, New Jersey 11238

9 Attorneys for Plaintiff

10

11

12

13 SCHENCK, PRICE, SMITH & KING, LLP

14 BY: JAMES KASSIS, ESQ.

15 220 Park Avenue

16 Florham Park, New Jersey 07932

17 Attorneys for Defendant,

18 Louis Carrega

19

20

21

22

23

24

25

TRANSCRIPT of testimony taken by and
before JACQUELINE ZAMMATARO, a Notary Public and
Certified Court Reporter of the State of New
Jersey, License No. 30XI0144200, remotely via
Zoom, on Thursday, March 18, 2021, commencing at
10:00 a.m.

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4

1

2 APPEARANCES:

3 MICHAEL VOMACKA, ESQ.

4 VICTOR DIFRANCESCO, JR., ESQ.

5 NEW JERSEY OFFICE OF THE ATTORNEY GENERAL

6 DIVISION OF LAW

7 STATE POLICE, EMPLOYMENT & CORRECTION CENTER

8 RICHARD J. HUGHES JUSTICE COMPLEX

9 25 Market Street

10 P.O. Box 112

11 Trenton, New Jersey 08625-0112

12 Attorneys for State of New Jersey & William Tietjen

13

14 KENYATTA STEWART, CORPORATION COUNSEL

15 BY: GARY S. LIPSHUTZ, ESQ.

16 FIRST ASSISTANT CORPORATION COUNSEL

17 City of Newark - Department of Law

18 920 Broad Street, Room 316

19 Newark, New Jersey 07102

20 Attorneys for Defendants City Of Newark

21 (improperly pled as "Newark City" and

22 "Newark Police Department"), Cory A. Booker,

23 Garry McCarthy, Darnell Henry & Joseph Hadley, Jr.

24

25

1	ALSO PRESENT	5	1	QUESTIONS & OBJECTIONS MARKED	6
2	JOSEPH HADLEY		2		
3	DARNELL HENRY		3	QUESTION: Is it approximately ten years? More than ten years?	
4			4	ANSWER: It could be more. I was just saying that's why, you know --	
5			5	MS. BONJEAN: Okay. I am going to object to the argumentative grounds. He did approximate. He said or so. That's what an approximation is.	
6			6	MR. LIPSHUTZ: Your objection is to form.	
7			7	MS. BONJEAN: My objection is what my -- what comes out of my mouth. Objection to the question. Form. Foundation. He answered your question. Please, next question.	
8			8	MR. LIPSHUTZ: Yes. I will ask my next question.	
9			9	Your objections are going to be to form. They're not going to be speaking objections. You're not going to interrupt me.	
10			10	MS. BONJEAN: I am not dealing with you today.	
11			11	Okay? Ask your questions. Objection. Form. Move on.	
12			12	MR. LIPSHUTZ: Madam reporter, please mark that.	
13			13		Page 31
14			14	QUESTION: And how did he say they formulated and manufactured this whole case?	
15			15	MS. BONJEAN: Objection. Asked and answered. Argumentative. He just told you he cannot tell you word for word.	
16			16	MR. LIPSHUTZ: Your objections are to form.	
17			17	Madam Reporter, please mark that objection.	Page 43
18			18		
19			19	QUESTION: So when the detectives wrote that you picked them up at 10:30 p.m., the detectives were lying?	
20			20	ANSWER: No. I didn't say the detectives was lying. I am saying these statements here it's falsified and documented. I don't know who put it together.	
21			21	QUESTION: This report is falsified?	
22			22	ANSWER: Yes.	
23			23		Page 150
24			24		
25			25		
1	INDEX	7	1	THE REPORTER: The attorneys	8
2			2	participating in this deposition acknowledge that	
3	WITNESS	DIRECT	3	I am not physically present in the deposition	
4	By Mr. Lipshutz	9	4	room and that I will be reporting this deposition	
5	By Mr. Kassis	186	5	remotely. They further acknowledge that, in lieu	
6			6	of an oath administered in person, I will	
7	EXHIBITS		7	administer the oath remotely. The parties and	
8			8	their counsel consent to this arrangement and	
9	No.	Description	9	waive any objections to this manner of reporting.	
10	P-1	Answers to Interrogatories	10	Please indicate your agreement by	
11	P-2	First Set of Interrogatories to	11	stating your name and your agreement on the	
12	Lee Evans		12	record.	
13	P-3	Plaintiff's Amended Answers	13	MR. KASSIS: Jim Kassis on behalf of	
14	To Interrogatories		14	Louis Carrega. I agree.	
15	P-4	Missing Person Report	15	MS. BONJEAN: Jennifer Bonjean on	
16	P-5	Missing Person Report	16	behalf of the plaintiff. I agree.	
17	P-6	Missing Person Report	17	MR. LIPSHUTZ: My name is Gary	
18	P-7	Supplemental Report	18	Lipshutz. I agree. I represent the City of	
19	P-8	Preliminary Investigative Report	19	Newark, Darnell Henry, Joe Hadley, Corey Booker,	
20	P-9	Photograph	20	and Garry McCarthy. Good morning.	
21	P-10	Copy of Greeting Card	21	MR. DiFRANCESCO: Good morning,	
22	P-11	Investigation Report	22	Jackie. Victor DiFrancesco, along with Michael	
23	(All Exhibits Marked Prior to Deposition)		23	Vomacka, deputies attorney generals. We are	
24			24	appearing on behalf of the State of New Jersey,	
25			25	William Tietjen.	

1 MS. BONJEAN: I would like to put on
2 the record Defendant Hadley and Defendant Henry
3 are also present for this deposition as are my
4 colleagues, Ashley Cohen and Haley Coolbaugh.
5 LEE EVANS, affirms to tell the truth, the whole
6 truth and nothing but the truth, testifies as
7 follows:
8 EXAMINATION
9 BY MR. LIPSHUTZ:
10 Q Good morning, Mr. Evans.
11 A Yes, it is.
12 Q Okay. Can you hear me okay, sir?
13 A Yes.
14 Q Okay. Good morning. We are here
15 today to ask you some questions in a deposition
16 concerning a lawsuit that you filed. I think we
17 have met before once in court, but if you don't
18 remember, my name is Gary Lipshutz. I am an
19 attorney for the City of Newark and for Detective
20 Hadley and Sergeant Henry and Mayor Booker and
21 police director Garry McCarthy.
22 Also on this deposition are a number
23 of other attorneys who represent various
24 defendants in the case. We are here to ask you
25 some questions about your lawsuit. I am going to

1 that correct?
2 A Correct.
3 Q Okay. Now, we are all in different
4 locations. It's a little unusual. Normally we
5 would all be in the same conference room, but
6 because of the circumstances of the pandemic, all
7 of us are separated by miles. I take it today,
8 sir, that you're in the -- where are you, sir?
9 A I am in an attorney's office.
10 Q Okay. What -- where are they
11 located?
12 A In Brooklyn.
13 Q Okay. So you're in Brooklyn. Okay.
14 So we are not in -- together. But this is a
15 sworn deposition under oath. The significance of
16 that is that this is testimony that can be used
17 later at a trial, if necessary. And let me
18 explain.
19 If at a trial in this matter you
20 were to give testimony that differs from
21 testimony that you give today, you can be
22 confronted by your testimony today. Do you
23 understand that?
24 MS. BONJEAN: Sir, I am going to
25 object to these instructions. A, they're not

1 probably go through some background questions
2 about you first.
3 Then I am going to go and ask you
4 about your recollection of the events of 1978. I
5 may ask you some questions about the criminal
6 trial. And at the conclusion of my testimony --
7 I am sure we will get into some other topics, but
8 at the conclusion of my questioning, the other
9 attorneys have the right to ask you some
10 questions.
11 Do you understand that so far?
12 A Yes.
13 Q Okay. Have you ever had the
14 opportunity to give deposition testimony before?
15 A No.
16 Q Okay. This is the first time?
17 A Yes.
18 Q Okay. Well, I am going to give you
19 a few instructions. Okay?
20 First of all, you just affirmed to
21 tell the truth. Do you understand that you're
22 here today to give truthful and honest testimony?
23 A Yes.
24 Q Okay. And your answers to my
25 questions today will be truthful and honest; is

1 necessarily accurate reflections of the law.
2 It's all very hypothetical. So I would
3 appreciate it if you have instructions as to --
4 would help him get through this deposition, go
5 right ahead. But your misstatements of the law
6 and hypothetical scenarios that may or may not
7 play out in trial I think are inappropriate.
8 MR. LIPSHUTZ: Your objection is to
9 form, and I would ask you to limit your objection
10 to form.
11 MS. BONJEAN: I will object as I see
12 fit. Go ahead. Keep going. Let's keep going.
13 BY MR. LIPSHUTZ:
14 Q Okay. Also, it's important that
15 only one of us speak at a time. This is a
16 especially true because of the fact that we are
17 not in a conference room. This will help the
18 court reporter take down everything that is said
19 accurately. So please let me finish my question,
20 and I will give you every opportunity to finish
21 and complete your answer.
22 It may be a little awkward at times.
23 I may anticipate that you might be done, but I am
24 not trying to speak over you. Can we agree on
25 that?

13

1 **A** **You talking to me, Evans?**

2 Q I am speaking to you, Mr. Evans.

3 **A** **Yes.**

4 Q Okay. There is a court reporter

5 present here today. Her name is on the screen,

6 and her name is Jacqueline Zammataro. Okay. She

7 is taking down everything that is being said word

8 for word, and at the conclusion of this

9 deposition, a transcript will be prepared. Okay?

10 If at any point during this

11 deposition you do not understand any of my

12 questions, I would appreciate it if you let me

13 know. That way I will be happy to rephrase the

14 question. If you go ahead and answer the

15 question, when we read the transcript later,

16 everyone will presume that you understood the

17 question. So can we agree, sir, if you don't

18 understand my question, you will let me know.

19 Okay?

20 **A** **Yes.**

21 Q Okay. I also need you to respond

22 verbally to my questions. The court reporter

23 cannot take down shrugs of the shoulders or words

24 like uh-huh or um-hum. We won't know later what

25 those words mean. So speak your answers verbally

15

1 Q High blood pressure. Okay. What is

2 the name of the medication, sir?

3 **A** **There is several. One of them**

4 **metformin and the other one is – I don't know at**

5 **the moment.**

6 Q Metformin, is that typically for

7 diabetes?

8 **A** **Yes. Diabetes and also you got the**

9 **pressure, high pressure.**

10 Q Okay. Does that mean, sir, that you

11 also suffer from diabetes?

12 **A** **I don't suffer from it. It's**

13 **borderline.**

14 Q Okay. Type 1 or type 2, sir?

15 **A** **No. I don't take no injections or**

16 **nothing like that.**

17 Q But is it type 1 diabetes or type 2?

18 **A** **Type 1 is what, the – type 2 is the**

19 **second phase.**

20 Q Well –

21 **A** **I'm not – I don't know.**

22 Q I will tell you what. If you don't

23 know the answer to my question, just let me know.

24 Okay?

25 **A** **Yes.**

14

1 out loud. Do you understand that?

2 **A** **Yes.**

3 Q Okay. If you need to take a break

4 at any time, please let me know. I will be happy

5 to do so. But typically, there is no breaks

6 while there is a question pending. So you will

7 please just answer the question first and then

8 ask me to take a break. Okay?

9 **A** **Yes.**

10 Q Okay. There may come a time when

11 your attorney or perhaps the other attorneys may

12 object to one or more of my questions. Again,

13 this is awkward since we are not all in the same

14 room. Please let your attorney pose her

15 objection. And this is not a courtroom. There

16 is no judge here to rule on your objection. So

17 unless your attorney instructs you not to answer

18 a question, you're still going to have to answer

19 the question. Do you understand that?

20 **A** **Yes.**

21 Q Okay. Are you under – are you

22 taking any medication, sir?

23 **A** **Yes.**

24 Q What kind of medication?

25 **A** **Pressure. High blood pressure.**

16

1 **Q** **Okay. That's one of the other**

2 **instructions I should give you. We don't want**

3 **you to guess. We just want you to tell us your**

4 **recollection. If you don't remember, it's okay**

5 **to say "I don't remember." If you don't recall,**

6 **let us know you don't recall. All right. Is**

7 **that fair?**

8 **A** **Yes.**

9 Q Okay. Other than the medication for

10 high blood pressure, are you taking any other

11 medication?

12 **A** **Yes. I was taking depression,**

13 **anxiety. They gave me something. It was**

14 **affecting me too far. It was bringing me too far**

15 **down. It was turning me into a zombie almost,**

16 **you know.**

17 Q Okay. I am a little confused. Are

18 you taking that medication now or have you taken

19 it in the past?

20 **A** **I took it in the past, yes.**

21 Q What I meant for today's purposes,

22 are you taking any other medication?

23 A I still have that medication, yes.

24 MS. BONJEAN: Are you taking it

25 today?

1 **THE WITNESS: No. I didn't take it** 17

2 **today.**

3 BY MR. LIPSHUTZ:

4 Q When was the last time you took it,

5 sir?

6 **A About a week.**

7 Q Okay. And other than that, have you

8 taken any other medication?

9 **A Herbal.**

10 Q Herbal?

11 **A Yes.**

12 MS. BONJEAN: Do you mean today?

13 **THE WITNESS: You're talking about**

14 **today?**

15 BY MR. LIPSHUTZ:

16 Q Yeah. I want to know what

17 medications you are taking today or in the last

18 12 hours.

19 **A That was it.**

20 **Q Okay. Is there any reason why you**

21 **cannot give truthful answers today? Any reason?**

22 **A Is there any reason?**

23 Q Yeah.

24 **A What you mean by that?**

25 Q Okay. Thank you. Let me rephrase

1 get into the conversations that you had with your 19

2 attorneys. That's not something I am interested

3 in. All I was asking was have you reviewed any

4 documents in preparation of today's deposition?

5 **A No.**

6 Q Okay. Other than your attorneys or

7 anybody at their law firm, have you spoken to

8 anybody in preparation of today's deposition?

9 **A I might have told somebody I was**

10 **coming here. That's what you mean?**

11 Q That's a fair response. Other than

12 saying I am driving to Brooklyn for a deposition

13 or I can't be at a meeting because I am going to

14 a deposition, have you discussed -- I am getting

15 feedback here.

16 Have you discussed this upcoming

17 deposition with anyone other than your attorneys

18 or anyone in their office?

19 **A No.**

20 **MS. BONJEAN: I am just going to**

21 **object to form. Foundation. Go ahead.**

22 BY MR. LIPSHUTZ:

23 Q I am sorry. I didn't hear your

24 answer, sir.

25 **A You said --**

1 the question and I should have rephrased it. 18

2 Is the fact that you're taking any

3 of those medications -- would that affect your

4 ability to give truthful and honest answer today?

5 **A No.**

6 Q Okay. Have you had any alcohol

7 beverages in the last 12 hours?

8 **A No.**

9 Q Okay. One second, sir. Have you

10 looked at any documents prior or in preparation

11 for today's deposition?

12 **A Documents is in my head.**

13 Q It's a simple question. Have you

14 looked at any documents in preparation for

15 today's deposition?

16 **A Did I look at anything? No. I was**

17 **instructed to look, but I didn't need to look.**

18 Q Well, one of the things I would tell

19 you is --

20 MS. BONJEAN: Just answer --

21 BY MR. LIPSHUTZ:

22 Q -- I don't really want to get into

23 what you were instructed to do. I don't want to

24 get into what your attorney spoke to you about.

25 I am not asking you about that. I don't want to

1 MS. BONJEAN: No. Just answer the 20

2 question. You already answered it.

3 **THE WITNESS: I said no.**

4 **BY MR. LIPSHUTZ:**

5 **Q Let me just ask you some background**

6 **questions. Okay?**

7 **What is your full name, please?**

8 **A Lee Anthony Evans, Sr.**

9 Q Senior. Have you ever gone by any

10 other names?

11 **A Other names? What, change my name?**

12 **Nickname? What you mean? You got to explain**

13 **that.**

14 Q Have you ever gone by any other

15 names?

16 MS. BONJEAN: Objection. Form.

17 Foundation.

18 You can answer if you understand.

19 **THE WITNESS: You got to explain to**

20 **me. Are you talking about my -- changing my name**

21 **or a nickname?**

22 BY MR. LIPSHUTZ:

23 Q I'll happily -- well, I want to just

24 sort of just ask a broad question. But have you

25 ever had a formal different name?

21

1 **A** **Not formal, no.**

2 Q Okay. Have you had nicknames?

3 **A** **Yes. I had nicknames.**

4 Q What nicknames have you gone by or

5 have people called you?

6 **A** **When I was born, they called me Book**

7 **because I was crawling. I was – in one area**

8 **they was calling me Potato and – because my head**

9 **was round like a potato, and they called me Big**

10 **Man. They have called me Genius. You know,**

11 **that's basically.**

12 Q Okay. Any other nicknames that you

13 can recall?

14 **A** **Not really.**

15 Q Okay. What is the date you were

16 born, sir?

17 **A** **June 14, 1953.**

18 Q Where were you born?

19 **A** **Louisiana.**

20 Q And did there come a time you -- you

21 or your family moved to New Jersey?

22 **A** **Yes.**

23 Q When was that?

24 **A** **That was in roughly around '62,**

25 **somewhere in there.**

23

1 have siblings?

2 **A** **Yes.**

3 Q Can you tell me who -- the siblings'

4 names?

5 **A** **Well, Andrew Junior, Belle, Annie B.**

6 **There's Levi, his twin, Levi Evans. And that's**

7 **about it.**

8 Q He had three brothers?

9 **A** **Three, four, yeah.**

10 Q I missed your answer on that.

11 **A** **Three or four. Three brothers,**

12 **yeah. I think it was three brothers. Twin – my**

13 **father; right? You're talking about my father?**

14 Q Yes, sir.

15 **A** **Yeah. That's what I am saying.**

16 **Okay.**

17 Q No sisters?

18 **A** **Yeah. He had sisters. There is two**

19 **sisters.**

20 Q What were their names, sir?

21 **A** **One Annie B and one was Belle.**

22 Q I guess I am having trouble hearing.

23 I thought you said Andy, A-N-D-Y. It's Annie?

24 MS. BONJEAN: Speak up. Okay?

25 **THE WITNESS: Annie B. Ann. Annie**

22

1 Q So for the first nine, ten years --

2 eight or nine years of your life where did you

3 live?

4 **A** **I was in Louisiana, I was in**

5 **Alabama, and from Alabama came to Jersey.**

6 Q Since 1962 have you lived in New

7 Jersey exclusively?

8 **A** **Yes.**

9 Q Okay. Now, there are a lot of names

10 I want to ask you about, and sometimes I read

11 that they're cousins. So I am going to ask a

12 little bit about your family tree, sir. So what

13 -- are your parents still alive?

14 **A** **In spirit, yes. They passed on.**

15 Q Your parents have passed on. What

16 was your father's name? What is your father's

17 name

18 **A** **Laverne Evans, Senior [phonetic].**

19 Q And your mother?

20 **A** **Mildred B. Williams Evans.**

21 Q Mildred B.?

22 **A** **Yeah.**

23 Q Williams?

24 **A** **Evans.**

25 Q Evans. Okay. Now, did your father

24

1 **B.**

2 BY MR. LIPSHUTZ:

3 Q Thank you, sir. And so any other

4 siblings?

5 **A** **Not as far as I know.**

6 Q Annie B, what was -- was she

7 married?

8 **A** **At one point, I guess. I don't**

9 **know.**

10 Q Do you know what her last name was?

11 **A** **When it passed Evans, no.**

12 Q And Belle?

13 **A** **Same.**

14 Q You don't know what her last name

15 was?

16 **A** **No.**

17 Q Okay. Now, your mother, Mildred,

18 her maiden name was Williams?

19 **A** **Her maiden was Hampton.**

20 Q Hampton. Mildred B. Williams Evans.

21 I'm sorry. I didn't hear you?

22 **A** **Evans was her -- her married name.**

23 **She was married twice with a Williams also.**

24 Q Thank you, sir. So Williams was a

25 prior husband?

25

1 **A** **Yes.**

2 Q A prior marriage. And then her

3 maiden name was Hampton?

4 **A** **Right.**

5 Q Now, did Mildred have siblings?

6 **A** **Yes.**

7 Q Do you know how many?

8 **A** **About five or six.**

9 Q Do you recall their names?

10 **A** **Yes. Julia. Julia May.**

11 Q Julia?

12 **A** **Yeah. Woody.**

13 Q Okay.

14 **A** **John Hampton, Randolph Hampton, and**

15 **sister Vera and a sister Claire.**

16 Q Okay. Thank you. You're doing

17 great. Julia's last name?

18 **A** **Woody.**

19 Q Julia Woody?

20 **A** **Yes.**

21 Q Vera's last name?

22 **A** **I'm not for sure.**

23 Q Claire?

24 **A** **I think it's Taylor. Taylor.**

25 Q Okay. Now, those aunts and uncles

27

1 **A** **Right.**

2 Q **Okay. Can you explain the – the**

3 **relationship to you other than second cousin?**

4 **Like who is his parents, et cetera?**

5 **A** **His mother and my mother was first**

6 **cousins.**

7 Q Okay. Mildred Evans, your mother,

8 had a cousin, and her cousin's name was?

9 **A** **That was – mental lapse – Merrell,**

10 **Jessie Merrell (phonetic).**

11 Q Jessie Merrell?

12 **A** **Yes.**

13 Q And that was Philander's mother?

14 **A** **Right.**

15 Q That makes Philander your second

16 cousin. Fantastic. Thank you.

17 Darryl Woody, is he related to you?

18 **A** **Yes.**

19 Q What was his relationship to you?

20 **A** **First cousin.**

21 Q Is that Julia's son, then?

22 **A** **Correct.**

23 Q Were you also related to Maurice

24 Olds?

25 **A** **Yes.**

26

1 – various aunts and uncles, did many of them

2 live in New Jersey?

3 **A** **Just two.**

4 Q Which two, sir?

5 **A** **Did I mention John Hampton?**

6 Q Yes, you did.

7 **A** **Okay. John Hampton and Julia Woody.**

8 Q What about on your father's side?

9 Did any of those siblings live in New Jersey?

10 **A** **Not that I know of.**

11 Q Okay. So John Hampton and Julia

12 Woody lived in New Jersey, your mother's

13 siblings?

14 **A** **Yes.**

15 Q That would be your uncle and your

16 aunt?

17 **A** **Yes.**

18 Q Okay. Now, I want to ask you about

19 a couple names here. And can you explain their

20 relationship to me? Philander Hampton, was that

21 John's son?

22 **A** **No.**

23 Q Okay. That's why I asked.

24 **A** **He is a second cousin.**

25 Q Second cousin?

28

1 Q What is the relationship there?

2 **A** **First cousin.**

3 Q Whose – which one of your aunts or

4 uncles was –

5 **A** **That's Darryl's brother.**

6 Q Thank you. So Darryl and Maurice

7 are siblings?

8 **A** **Correct. Yes.**

9 Q And their mother was Julia Woody?

10 **A** **Yes.**

11 Q Okay. Maurice has passed away;

12 correct?

13 **A** **Yes.**

14 Q Is Darryl still alive?

15 **A** **He passed.**

16 Q He has also passed. Okay.

17 Are you presently married?

18 **A** **Yes.**

19 Q What is your wife's name?

20 **A** **Frances.**

21 **Q** **Is that F-R-A-N-C-E-S or I-S?**

22 **A** **E-S.**

23 Q How long have you been married, sir?

24 **A** **Say 40 – 45 years, something like**

25 **that.**

<p>1 Q Do you remember the date you got 2 married, your anniversary? 3 A Yeah. That's December the 5th. 4 Q What year, sir? 5 A Oh, I didn't get that. I got to get 6 the year also. That was in – yeah. I could 7 tell you the year. It had to be '75. '75. 8 Q Would it be fair to say that you 9 were married prior to the disappearance of the 10 five boys in 1978? 11 A Yes. 12 Q Okay. And you were married to 13 Frances? 14 A Yes. 15 Q Okay. Are you – do you still live 16 with her? 17 A We communicate. No. Not at this 18 moment. 19 Q Would you say you're separated? 20 A Yes. At the moment, yes. 21 Q Okay. How long have you been 22 separated, sir? 23 A Well, I guess ten years or so, you 24 know. 25 Q So let's – I really don't like you</p>	<p>29 1 to guess. Okay? You can approximate. 2 MS. BONJEAN: He said ten years or 3 so. 4 MR. LIPSHUTZ: I heard him say ten 5 years or so. 6 BY MR. LIPSHUTZ: 7 Q Is it approximately ten years? More 8 than ten years? 9 A It could be more. I was just saying 10 that's why, you know – 11 MS. BONJEAN: Okay. I am going to 12 object to the argumentative grounds. He did 13 approximate. He said or so. That's what an 14 approximation is. 15 MR. LIPSHUTZ: Your objection is to 16 form. 17 MS. BONJEAN: My objection is what 18 my – what comes out of my mouth. Objection to 19 the question. Form. Foundation. He answered 20 your question. Please, next question. 21 MR. LIPSHUTZ: Yes. I will ask my 22 next question. Your objections are going to be 23 to form. They're not going to be speaking 24 objections. You're not going to interrupt me. 25 MS. BONJEAN: I am not dealing with</p>
<p>31 1 you today. Okay? Ask your questions. 2 Objection. Form. Move on. 3 MR. LIPSHUTZ: Madam reporter, 4 please mark that. 5 BY MR. LIPSHUTZ: 6 Q Presently it's 2021. What year do 7 you approximate that you became separated from 8 your wife? 9 A Oh, had to be 10 to – I guess 10, 10 11 – 10 years, 11 years, somewhere in there. I 11 mean it was – you know, where we – it had to be 12 10 or 11 years or somewhere in there. 13 Q Okay. 14 A You know. 15 Q Where does she live? Do you know? 16 A Yes. She live in Newark. 17 Q Okay. Have you – has anybody filed 18 divorce papers? 19 A No. 20 Q Do you know if she is aware of this 21 lawsuit? 22 MS. BONJEAN: Objection. Form. 23 Foundation. 24 BY MR. LIPSHUTZ: 25 Q You can answer that.</p>	<p>32 1 A Yes. She's aware. 2 Q Have you discussed this lawsuit with 3 her? 4 A I haven't discussed it with no one 5 really. 6 Q So then I guess the answer is you 7 have not discussed it with her? 8 A No. 9 Q Okay. 10 A You mean lately; right? That's what 11 you mean? What period? 12 Q Well, that's a good – that's a fair 13 question. Have you ever discussed this lawsuit 14 with her? 15 A Yes. 16 Q Okay. And when was the last time 17 you discussed this lawsuit with her? 18 A I couldn't tell you. 19 Q More than two years? 20 A Probably not. I don't know. I 21 wouldn't be able to give you no answer on that. 22 Q Okay. Do you have children? 23 A Yes. 24 Q How many children do you have? 25 A I have five.</p>

33

1 Q Okay. Just give me a range of their
2 ages.

3 **A From 50 all the way down to 25.**

4 Q Okay. Do you live with any of them?

5 **A No.**

6 Q Do any of them live with Frances?

7 **A Yes.**

8 Q Okay. Now, at the beginning of the
9 deposition you gave a post office box for an
10 address. Do you have a physical address?

11 **A Well, that's where all my --**
12 **everything goes to me. I don't have a permanent**
13 **physical address, no. Everything goes to the PO**
14 **box or it goes to 10 Melville Place.**

15 Q What is 10 Melville Place?

16 **A That's a location.**

17 Q Yeah. Is that where you sleep at
18 night?

19 **A No. I don't really sleep there.**

20 Q Okay. Where do you --

21 **A I was there sometimes, but, you**
22 **know, mostly --**

23 Q Mostly what?

24 **A No. I house there sometimes.**

25 **Mostly I just be there every day, though, you**

35

1 Q A warehouse garage. Do you own any
2 real estate?

3 **A Yeah.**

4 Q Tell me what real estate you own.

5 **A Prior to this here situation I was**
6 **in, I lost properties. That was on Chancellor.**
7 **Property at 10 Melville Place and 16 Melville**
8 **Place.**

9 Q So I am a little confused you. Are
10 you saying that you lost property on Chancellor
11 and 16 Melville Place?

12 **A No. I lost -- no. 16 -- I lost**
13 **property on -- that was 18 Melville Place, in my**
14 **son's name.**

15 Q Let me just ask it a different way.
16 Do you presently own real estate at all?

17 **A Yes. Jammed up, yes. Yes.**

18 Q You mean mortgaged by jammed up? Is
19 that what you mean?

20 **A No. Lot of financial difficulties.**

21 Q I know. But it's a pretty simple
22 straightforward question. Do you own property?
23 I am just curious.

24 **A I said yes already.**

25 Q Okay. Well, what is the property

34

1 **know. We goes in and out of there. Where I**
2 **sleep at is -- it's a location in Budd Lake, New**
3 **Jersey.**

4 Q What is address of Budd Lake
5 location?

6 **A That's 38 4B.**

7 Q 38 4B?

8 **A Yes.**

9 **Q What? 38 4B what?**

10 **A That's the -- that's the building**
11 **number.**

12 Q Can you just tell me -- what is the
13 location? What is the address?

14 **A Eagle Rock Village. Eagle Rock**
15 **Village.**

16 Q Is that an apartment?

17 **A Yes.**

18 Q Condominium?

19 **A Yes. That's apartment.**

20 Q Okay. So you rent an apartment?

21 **A Yeah. I rent apartment.**

22 Q And 10 Melville, is that a house or
23 apartment?

24 **A No. That's not a house. That's a**
25 **-- like warehouse garage thing.**

36

1 you own?

2 **A 10 Melville Place and you got 16**
3 **Melville Place.**

4 Q Okay. Anywhere else?

5 **A No.**

6 Q Okay. When was the last time you
7 spoke to Philander Hampton?

8 **A I don't associate with him like**
9 **that, but he called me. This had to be two,**
10 **three months ago, somewhere in there like that.**

11 Q He called you?

12 **A Yes.**

13 Q And what did he say?

14 **A When he had called me?**

15 Q Yes.

16 **A He doesn't say too much because I**
17 **cut the conversation.**

18 Q Why?

19 **A Because I don't affiliate with him.**

20 Q You broke up. I'm sorry. What did
21 you say?

22 **A Because I don't affiliate with him.**

23 Q I understand. You don't affiliate
24 with him.

25 So when he spoke to you two, three

1 months ago, did you speak about anything or just
2 broke up the question -- you just broke up the
3 conversation, I mean?
4 **A Yes.**
5 **Q Okay.**
6 And before you spoke to him two or
7 three months ago, when was the last time you
8 spoke to him before that?
9 **A I don't know. It wasn't on the same**
10 **basis. Like I cut the conversation off. But I**
11 **don't know the time. I couldn't give you the**
12 **time. It's been awhile.**
13 **Q You know, a while can mean one thing**
14 **to one person and one thing to another. So can**
15 **you give me a better estimate?**
16 MS. BONJEAN: Objection. Asked and
17 answered.
18 **THE WITNESS: I couldn't, not right**
19 **off, you know.**
20 BY MR. LIPSHUTZ:
21 **Q Well, let me ask you this. Since**
22 **the -- since the acquittal; right? Since the**
23 **acquittal --**
24 **A Yes.**
25 **Q -- have you discussed with**

37

1 **Mr. Hampton anything about his testimony, his**
2 **accusations, anything at all?**
3 MS. BONJEAN: Objection to form.
4 You can answer.
5 **THE WITNESS: Repeat that.**
6 BY MR. LIPSHUTZ:
7 **Q Since the acquittal, have you had**
8 **discussions with Mr. Hampton about his testimony**
9 **or his accusations against you?**
10 **A Yes.**
11 **Q When was that conversation and what**
12 **was discussed?**
13 MS. BONJEAN: Objection to form.
14 Compound.
15 BY MR. LIPSHUTZ:
16 **Q When was that conversation?**
17 **A Oh, man, that could have been -- it**
18 **was years. It wasn't no months.**
19 MS. BONJEAN: If you don't know, you
20 don't know.
21 **THE WITNESS: No. Not right off.**
22 **I'm not -- but it wasn't months.**
23 BY MR. LIPSHUTZ:
24 **Q Was it in 2011?**
25 **A No.**

38

1 **Q Was it in 2012?**
2 **A No.**
3 **Q Was it in 2013?**
4 **A No. It was in -- if you're**
5 **narrowing it down, you know, it was past '13,**
6 **'14. It had to be '17, '18. Could have been**
7 **'19. I am not for sure. Maybe it was '17,**
8 **somewhere in there.**
9 **Q Somewhere --**
10 **A I know -- I know for a fact it**
11 **wasn't '14 and it wasn't '15.**
12 **Q Why do you know for a fact it wasn't**
13 **those years?**
14 **A Because that's when I went into the**
15 **-- I filed my complaints, and I know it wasn't**
16 **there. It had to be '18. It could have been**
17 **'18. I don't know if it was '19.**
18 **Q Somewhere between 2017 and 2019?**
19 **A Somewhere in there, yeah.**
20 **Q And you spoke to Philander. What**
21 **was that discussion? Was it in person or over**
22 **the phone?**
23 MS. BONJEAN: Objection. Form.
24 You can answer. When I object, you
25 can still answer.

39

1 **THE WITNESS: Yes. Yes. It was --**
2 **it was in person.**
3 BY MR. LIPSHUTZ:
4 **Q Where did that conversation take**
5 **place?**
6 **A In Newark.**
7 **Q Where?**
8 MS. BONJEAN: Objection. Form.
9 **THE WITNESS: I don't really**
10 **remember the street. I know the street. It was**
11 **off South Orange Avenue. The street runs off**
12 **South Orange Avenue.**
13 BY MR. LIPSHUTZ:
14 **Q What time of year was this?**
15 **A I don't even remember. I don't**
16 **remember.**
17 **Q What time of day was it?**
18 **A Oh, it was probably after 12:00.**
19 **3:00, 4:00, somewhere in there.**
20 MS. BONJEAN: Don't guess.
21 BY MR. LIPSHUTZ:
22 **Q Are you guessing or you're not sure?**
23 **A I am not sure.**
24 MS. BONJEAN: Here is -- the
25 instruction he gave you is if you don't know the

40

1 answer -- 41

2 THE WITNESS: Right.

3 MS. BONJEAN: -- tell him you don't

4 know the answer, or if you're approximating, tell

5 him you're approximating.

6 BY MR. LIPSHUTZ:

7 Q Do you know when you had your

8 conversation with Mr. Hampton?

9 A It wasn't night and it wasn't

10 morning.

11 Q Was anybody else present?

12 A No.

13 Q What was discussed?

14 A What was discussed about this -- how

15 he said they tricked him into doing what he did.

16 Q Explain exactly what he said to you.

17 MS. BONJEAN: Objection to the form.

18 THE WITNESS: They tricked him in

19 putting this here case together.

20 BY MR. LIPSHUTZ:

21 Q Did he say anything else?

22 A I don't recall.

23 Q Did he say who tricked him?

24 A Yeah. He said the police, the

25 prosecutor.

1 Q Philander told you the police and 43

2 prosecutor tricked him, but you're telling me you

3 don't recall exactly what he said?

4 A I didn't say that. I said word for

5 word. In essence -- in essence, I am telling you

6 word -- I couldn't repeat word for word. But he

7 was telling -- he was saying -- in essence, what

8 he said was how they formulated and manufactured

9 this whole case.

10 Q And how did he say they formulated

11 and manufactured this whole case?

12 MS. BONJEAN: Objection. Asked and

13 answered. Argumentative. He just told you he

14 cannot tell you word for word.

15 MR. LIPSHUTZ: Your objections are

16 to form.

17 Madam Reporter, please mark that

18 objection.

19 MS. BONJEAN: Mr. Lipshutz, you are

20 the king of speaking objections. I am objecting

21 to form. Okay? Please stop. Mark -- mark --

22 mark away. This is really ridiculous. Stop

23 harassing my client and being argumentative.

24 Please ask your next question, sir.

25 MR. LIPSHUTZ: Madam reporter,

1 Q Did he say who, as in what persons, 42

2 or did he just say the police, the prosecutor?

3 A Yeah. That's what he said.

4 Q Okay. I will rephrase my question.

5 Did he give names or he just said the police, the

6 prosecutor?

7 A No. No.

8 Q No names?

9 A No names. I knew something came up,

10 but I don't know how.

11 MS. BONJEAN: Just answer the

12 question. Don't --

13 THE WITNESS: To me, no. He didn't

14 give no names to me.

15 BY MR. LIPSHUTZ:

16 Q Just the police or prosecutor;

17 correct?

18 A The police and the prosecutor.

19 Q Thank you. That's what you said. I

20 appreciate that.

21 Did he explain to you what he meant

22 by they tricked him?

23 A In detail some stuff he said, you

24 know. I'm trying to recollect what he said, how

25 he said it. Word for word, no. I don't recall.

1 please mark that. 44

2 BY MR. LIPSHUTZ:

3 Q Sir, all I want to know is what he

4 told you.

5 MS. BONJEAN: Objection. Asked and

6 answered.

7 BY MR. LIPSHUTZ:

8 Q What did he tell you how they

9 tricked him into manufacturing this case?

10 A I can't put it in words the way he

11 said it. That's what I am saying at this point.

12 Q Can you give me anything else as to

13 what he said?

14 A No.

15 Q Were there more than one

16 conversations with him about this?

17 A What you mean?

18 Q Well, other than this one

19 conversation that took place on some street near

20 South Orange Avenue sometime between 2017 and

21 2019, did you have any other conversations with

22 him about his testimony?

23 MS. BONJEAN: Objection to the form

24 and foundation of that question.

25 Go ahead. You can answer.

45

1 **THE WITNESS: No. It was the same**

2 **basic, you know, when I got with him on this**

3 **here.**

4 BY MR. LIPSHUTZ:

5 Q So I don't really understand that.

6 Did you have -- my question was, did you have

7 other conversations about this?

8 A **You mean a different date --**

9 Q Yes, sir.

10 A **Yeah. It was a different date.**

11 Q Okay. Where did that conversation

12 take place?

13 A **I don't know. Before this**

14 **conversation. And that conversation led to the**

15 **meeting of this conversation.**

16 Q Okay. Thank you for clarifying.

17 So prior to -- prior to the

18 conversation you told me about, you had another

19 conversation or an earlier conversation with Mr.

20 Hampton. Is that true?

21 A **The earlier conversation went on**

22 **this conversation.**

23 Q Okay. What happened in the earlier

24 conversation?

25 A **That's what it was about, meeting**

47

1 **promised. I don't know whether it's true or**

2 **false.**

3 Q I understand that. When -- when did

4 he bring that up? During the first conversation

5 or the second one?

6 A **It could have been the second one.**

7 Q That was the face-to-face

8 conversation?

9 A **Yeah.**

10 Q And I guess I didn't ask you about

11 the conversation. Was that also face-to-face or

12 on the telephone or --

13 A **That was the phone.**

14 Q Okay. So you have told me about two

15 conversations with Mr. Hampton, one over the

16 phone and one face-to-face. Were there other

17 conversations with Mr. Hampton -- excuse me. Let

18 me rephrase the question. I am sorry. You have

19 told me about three.

20 MS. BONJEAN: Objection to form.

21 BY MR. LIPSHUTZ:

22 Q One over the telephone, one

23 face-to-face, and then a later one where you said

24 you don't really associate with him. Were there

25 any other conversations?

46

1 **for this -- it's all the same. Ain't no**

2 **difference.**

3 Q Well, I wasn't there, so I am just

4 trying to understand. And you will forgive for

5 me for just trying to inquire. Okay?

6 MS. BONJEAN: Objection to form and

7 editorializing.

8 BY MR. LIPSHUTZ:

9 Q Mr. Evans --

10 A **The first -- go ahead.**

11 Q Yeah. Just tell me about the first

12 conversation.

13 A **The first conversation was when we**

14 **came together -- he called me for me to meet, and**

15 **then I met up. And that's when the second**

16 **conversation came in place.**

17 Q Okay. During this first

18 conversation, was anything -- was anything

19 discussed about his testimony or about his

20 accusation?

21 A **No. It was the same. Basically,**

22 **he's telling me how they put him -- and another**

23 **thing he added, that he said he claimed -- I**

24 **don't know if it's true or not. He claimed that**

25 **they didn't give him money like they said -- they**

48

1 A **You talking about after the -- after**

2 **'10 or before the '10? What year you talking**

3 **about?**

4 Q After the acquittal, sir.

5 A **After. It could have been. I am**

6 **not for sure.**

7 Q **What is your recollection?**

8 MS. BONJEAN: Objection. Asked and

9 answered.

10 **THE WITNESS: I don't -- I don't**

11 **have that. That's what I am saying.**

12 BY MR. LIPSHUTZ:

13 Q So I want to make sure I understand

14 what you have told me. You have told me that Mr.

15 Hampton told you he was tricked by the police and

16 prosecutors, that he wasn't paid. Is there

17 anything else he told you?

18 MS. BONJEAN: Objection. Asked and

19 answered and mischaracterizes the testimony.

20 Go ahead. You can answer.

21 **THE WITNESS: Yes. Yes. He was**

22 **telling me how they put his statement together.**

23 BY MR. LIPSHUTZ:

24 Q When did he tell you that?

25 A **The same time. That's what I am**

<p>1 saying. It came to me on that -- when he was --</p> <p>2 same conversation where they tricked him and lied</p> <p>3 to him and everything else he claimed. I don't</p> <p>4 know.</p> <p>5 Q He's also said that they lied to</p> <p>6 him?</p> <p>7 A Yeah. Because they didn't pay him.</p> <p>8 Q How did they --</p> <p>9 A I don't know nothing about how they</p> <p>10 did it. This is what he said, and that's it. I</p> <p>11 don't know nothing behind the scenes.</p> <p>12 Q I got that. I understand that.</p> <p>13 What did he say to you about how they put this</p> <p>14 statement together?</p> <p>15 A I already said. I just told you</p> <p>16 what was happening. That was it. Right now I</p> <p>17 couldn't come word for word the way he said it.</p> <p>18 Q Well, give me your best</p> <p>19 recollection.</p> <p>20 A I did already.</p> <p>21 MS. BONJEAN: Objection. Objection.</p> <p>22 Asked and answered. You're now harassing the</p> <p>23 witness. He did his best to recollect.</p> <p>24 Objection. Form.</p> <p>25 BY MR. LIPSHUTZ:</p>	<p>1 Q So the only thing you remember is</p> <p>2 that they -- that he said something to the effect</p> <p>3 that they put this statement together?</p> <p>4 MS. BONJEAN: Objection.</p> <p>5 Mischaracterizes his testimony.</p> <p>6 BY MR. LIPSHUTZ:</p> <p>7 Q Mr. Evans, just tell me what you</p> <p>8 remember.</p> <p>9 MS. BONJEAN: Objection. Asked and</p> <p>10 answered. This is argumentative and harassing.</p> <p>11 He did his best. You've asked him many times.</p> <p>12 MR. LIPSHUTZ: Okay. Keep going,</p> <p>13 Ms. Bonjean.</p> <p>14 Madam Reporter, can you mark that</p> <p>15 objection too?</p> <p>16 MS. BONJEAN: You know what? You</p> <p>17 know what? You can -- you can -- hold on a</p> <p>18 second.</p> <p>19 Mr. Lipshutz, you are not going to</p> <p>20 harass the client just because you don't -- you</p> <p>21 don't feel that he is giving you as much detail</p> <p>22 as he likes from a conversation from many years</p> <p>23 ago. He has done his best to answer the</p> <p>24 question. You are not harassing him. You can --</p> <p>25 yes. And, Madam Reporter, please do mark that</p>
<p>1 question.</p> <p>2 BY MR. LIPSHUTZ:</p> <p>3 Q Mr. Evans --</p> <p>4 A Yes.</p> <p>5 Q -- I just want to understand what</p> <p>6 Mr. Hampton told you. What did he say to you</p> <p>7 about how they manufactured his statement, if</p> <p>8 they said anything?</p> <p>9 A The best way to do that is get Mr.</p> <p>10 Hampton. That's the only way you'll find out. I</p> <p>11 told you everything I can tell you at this point.</p> <p>12 You want to know anything about</p> <p>13 Mr. Hampton, what he said, you have to get Mr.</p> <p>14 Hampton.</p> <p>15 Q I know. But I am asking him what he</p> <p>16 told -- I'm asking you --</p> <p>17 A I just told you. I already told you</p> <p>18 as far as I can go with it, you know, as far as I</p> <p>19 can recollect. Now, if you told me to go home</p> <p>20 and go to sleep and think about it and think</p> <p>21 about it, other things might come up. But other</p> <p>22 than that, you know, it's not there.</p> <p>23 Q Is there anything else about the</p> <p>24 conversation that you had with Mr. Hampton that</p> <p>25 you haven't told me?</p>	<p>1 MS. BONJEAN: Objection to the form</p> <p>2 of that question.</p> <p>3 THE WITNESS: It's been -- repeat</p> <p>4 it; right? You want me to repeat the same thing</p> <p>5 and I'll be like a parrot. I will say no.</p> <p>6 That's what we are going to do. Because you done</p> <p>7 ask me this here ten times already. And I am not</p> <p>8 talking about the lawyer now. I am talking about</p> <p>9 me. I am here, sitting down, taking the</p> <p>10 deposition. Not to be harassed, not to go over</p> <p>11 this crazy stuff. And you ask me the same thing</p> <p>12 ten times, and I said it ten times. So don't ask</p> <p>13 me 11 times.</p> <p>14 BY MR. LIPSHUTZ:</p> <p>15 Q Is there anything else about the</p> <p>16 conversation with Mr. Hampton that you haven't</p> <p>17 told me that you recall?</p> <p>18 MS. BONJEAN: If there is not,</p> <p>19 answer the question.</p> <p>20 THE WITNESS: No.</p> <p>21 BY MR. LIPSHUTZ:</p> <p>22 Q Okay. What do you do for a living,</p> <p>23 sir?</p> <p>24 MS. BONJEAN: Objection. Form.</p> <p>25 THE WITNESS: What do I do? Right</p>

1 now odd jobs, but I'm plumbing and heating, you 53

2 know, construction.

3 BY MR. LIPSHUTZ:

4 Q Do you have a business?

5 A Crippled business. I had a

6 business, good business, yes.

7 Q I guess I didn't hear your answer.

8 Did you say crippled?

9 A Yeah.

10 Q What is the name of your business?

11 MS. BONJEAN: I am going to object

12 to the form of that question. Also

13 mischaracterizes. Maybe you didn't hear it, but

14 objection. Form.

15 THE WITNESS: Evans General GC.

16 BY MR. LIPSHUTZ:

17 Q Evans General GC?

18 A Yeah. General construction.

19 Q Okay. How long have you had that

20 business?

21 A I had the business for years.

22 Q How long?

23 MS. BONJEAN: Objection. He

24 testified that he had a business. Had. So I

25 don't know if you – I am just trying to –

1 that what you're saying? 55

2 A Yes.

3 Q Okay. I am just trying to

4 understand. Remember, we are far away, so it's

5 hard for me to understand sometimes. And that's

6 – I'm not – I am just trying to make sure I am

7 clear. Okay?

8 Was it ever called – did you ever

9 have another business called Evans and Son

10 Construction?

11 A Yes. It was lead off the same line.

12 In '78 – no. It was – I mean, 2008, 2007, it

13 was Kumar, attorney – I mean tax accountant in

14 Freehold. They set up the business, and they

15 restructure everything in my business.

16 And he took the name out and put

17 Evans General GC in there and put everything –

18 he was taking out X amount of dollars a month,

19 150 – possibly 150. And come to find out that

20 he – all this stuff was the same conspiracy.

21 All the stuff came together.

22 I went to the Internal Revenue

23 Service. They said this guy ain't filed nothing

24 on you. So they gave me papers to file, I guess,

25 out – I guess somewhere in – in California

1 THE WITNESS: You can say 40-plus 54

2 years.

3 BY MR. LIPSHUTZ:

4 Q Is the business out of business?

5 A It's not out of business, but it's

6 not – you know, it's in business like it should

7 be.

8 Q What do you mean by that?

9 A I am not operating in the form that

10 I should be operating in. I am making less than

11 when – you know, when I know was to support my

12 means.

13 Q Why are you making less?

14 A Because this whole situation put me

15 in a – in a crippling situation.

16 Q And what whole situation are you

17 referring to, sir?

18 A With this case here.

19 Q This case is keeping you from your

20 business?

21 A No. The case is not keeping me from

22 the business. The case screw up my business.

23 Q I didn't hear your answer, sir.

24 A This case destroyed the business.

25 Q Oh, okay. The criminal case, is

1 somewhere. And that's what happened. One thing 56

2 led to another. Seemed like it was just going

3 backwards instead forward, you know.

4 Q I take it from your answer that you

5 were the victim of fraud by your tax accountant.

6 Is that what you're saying?

7 MS. BONJEAN: Objection. Misstates

8 his testimony and it –

9 MR. LIPSHUTZ: What ever –

10 BY MR. LIPSHUTZ:

11 Q What happened with your tax

12 accountant, sir?

13 A I said he didn't file my papers,

14 nothing. He didn't file my papers like he

15 supposed to have been for my thing and status and

16 all that, so that nature.

17 Q What was the name of the accountant,

18 sir? It was hard to hear you.

19 A Kumar. It was a – an Indian firm.

20 Q Is there any chance you could spell

21 that for the court reporter?

22 A K-U-K-A, something like that.

23 Q K-U-K-A?

24 MS. BONJEAN: Kumar, you said?

25 THE WITNESS: Kumar.

1 MS. BONJEAN: He is saying Kumar 57
 2 which I assume is K-U-M-A-R, but I don't know.
 3 BY MR. LIPSHUTZ:
 4 Q Does that sound right to you, sir,
 5 K-U-M-A-R?
 6 A Yes. Yes.
 7 Q And are you saying to me that you
 8 were the victim of fraud by this Kumar?
 9 MS. BONJEAN: Objection to the form.
 10 You can answer.
 11 THE WITNESS: Yeah. I guess you
 12 would say that.
 13 BY MR. LIPSHUTZ:
 14 Q This was because -- let me rephrase
 15 that.
 16 So sometime in 2008 you said you
 17 were re-forming your business through this
 18 accountant?
 19 A No. Everything was still
 20 re-forming, getting on my tax and all and
 21 everything, my tax status and all.
 22 Q But -- and I am just trying to
 23 understand your answer, sir. I thought you said
 24 they changed the name of the business?
 25 A Yeah. The name changed.

1 Q Any other reason? 59
 2 A Well, maybe because the conspiracy
 3 with the local and state authority what happened
 4 to me in 2010. That was all conspiracy. They
 5 all conspired together.
 6 Q And do you believe that the
 7 authorities conspired with Kumar, your tax
 8 accountant?
 9 A Already said. I am not for sure.
 10 Q One second, sir. Okay. When you --
 11 let's get back to this conversation with Mr.
 12 Hampton sometime between 2017 and 2019. Did Mr.
 13 Hampton explain to you why he was suddenly coming
 14 forward to tell you he had been -- let me
 15 rephrase it.
 16 Back to that conversation. Did he
 17 tell you why he was coming forward to say that
 18 the police and the prosecutor pressured him or
 19 coerced him?
 20 MS. BONJEAN: Objection to form.
 21 THE WITNESS: Not that I recollect.
 22 BY MR. LIPSHUTZ:
 23 Q You don't recall if he said -- I'm
 24 sorry. I didn't hear you.
 25 MS. BONJEAN: He said he could not

1 Q Okay. And that was a suggestion of 58
 2 your tax accountant?
 3 A Yes.
 4 Q Okay. Did you also say it was part
 5 of a conspiracy?
 6 A I believe so. All this stuff came
 7 together. I mean, for some reason all --
 8 everything happened at the same time.
 9 Q So can you explain what you mean?
 10 Is it your belief that there was a conspiracy
 11 with your tax accountant and some other entity or
 12 person?
 13 A I am not for sure. I am not going
 14 to say yes.
 15 Q Well, what is your belief?
 16 A Doesn't matter.
 17 MS. BONJEAN: Objection to the form.
 18 BY MR. LIPSHUTZ:
 19 Q I'm sorry. I didn't hear your
 20 answer.
 21 A I said doesn't matter what the
 22 belief is, you know.
 23 Q Well, why do you think there was a
 24 conspiracy? Just because of the same time frame?
 25 A Possibility.

1 recollect. 60
 2 BY MR. LIPSHUTZ:
 3 Q So you're not sure if he told you
 4 why he was --
 5 MS. BONJEAN: Objection. Asked and
 6 answered.
 7 You can answer again.
 8 THE WITNESS: I couldn't recollect
 9 at the moment.
 10 BY MR. LIPSHUTZ:
 11 Q Did you promise him anything?
 12 A No.
 13 Q Did you offer him anything?
 14 A No.
 15 Q Did he know you were suing the
 16 police and the prosecutors?
 17 A I am not for sure.
 18 Q Did you tell him that you were suing
 19 the police and prosecutors?
 20 A I'm not sure. Could have been an
 21 investigator might have told him. I'm not for
 22 sure. I'm not -- it was an investigator might
 23 have told him.
 24 MS. BONJEAN: Just answer his
 25 question.

1 **THE WITNESS: I am not for sure.** 61

2 BY MR. LIPSHUTZ:

3 Q So my question was, did you tell him

4 and you're not for sure?

5 **A I am not for sure.**

6 **Q So it's possible you did?**

7 **MS. BONJEAN: Objection. Asked and**

8 **answered. He already answered the question. He**

9 **said he wasn't sure.**

10 You can answer it again.

11 **THE WITNESS: I am not for sure.**

12 BY MR. LIPSHUTZ:

13 Q Did you offer him any money in

14 exchange for his --

15 **MS. BONJEAN: Objection. Asked and**

16 **answered.**

17 BY MR. LIPSHUTZ:

18 Q Did you offer him any money in

19 exchange for his changed testimony?

20 **A You already asked me that. I said**

21 **no.**

22 Q Did he ask for money from you?

23 **A No.**

24 Q He was out of prison at that point;

25 right?

1 **THE WITNESS: Three times.** 63

2 BY MR. LIPSHUTZ:

3 **Q Excuse me. I am sorry that I**

4 **misunderstood. Okay? So he called you;**

5 **correct? That's all I want to know. Yes?**

6 **A You want me to say it again?**

7 Q You have to forgive me. The

8 distance is difficult, sir. And I am not trying

9 to repeat myself. I just -- I missed -- I had

10 forgotten that he had called you. That's how the

11 conversation went?

12 **A Yes.**

13 Q Okay. That's all. Had you ever

14 tried to reach out to him?

15 **MS. BONJEAN: Objection.**

16 **Foundation. Form.**

17 **THE WITNESS: That was in the same**

18 **correspondence when we -- when he had called me**

19 **and I came -- when I set up for that meeting,**

20 **yes.**

21 BY MR. LIPSHUTZ:

22 Q So at one point you reached out for

23 him is what you're saying?

24 **A I reached back to him, yes.**

25 Q To set up a meeting or for something

1 **A I really don't know. I don't even** 62

2 **know if he was in prison, really.**

3 Q Well, when you met on the street, he

4 wasn't in prison, I take it. Right?

5 **A Yeah. But I don't know what was**

6 **going on.**

7 **MS. BONJEAN: Just answer the**

8 **question.**

9 BY MR. LIPSHUTZ:

10 Q Who initiated the very first

11 conversation between the two of you?

12 **MS. BONJEAN: Objection. Asked and**

13 **answered. He -- we have been through this. I am**

14 **going to object to the form of this question.**

15 **Eventually I'm going to tell him not to -- to**

16 **stop answering your questions being repeated**

17 **multiple times.**

18 **But go ahead. It won't -- tell him**

19 **again.**

20 **THE WITNESS: He did.**

21 BY MR. LIPSHUTZ:

22 Q I am sorry. If you had mentioned

23 that before --

24 **A I did.**

25 **MS. BONJEAN: He did.**

1 else? 64

2 **A That's what I just said already.**

3 **One meeting triggered the other.**

4 Q Did you reach out to him at any

5 other time?

6 **A No.**

7 Q So it would be the one time only?

8 **A I don't remember. I don't remember**

9 **that. It was the second time or whatever, you**

10 **know. I don't remember.**

11 **MS. BONJEAN: Gary, will you let me**

12 **know when you can take a couple-minute break? I**

13 **have to jump on a phone call for two minutes, but**

14 **I can put it off.**

15 **MR. LIPSHUTZ: Ms. Bonjean, that's**

16 **fine. You may take -- this is a fine time to**

17 **take it.**

18 **MS. BONJEAN: Okay. Thank you.**

19 **(An off-the-record discussion takes**

20 **place.)**

21 **MR. LIPSHUTZ: Mr. Evans, we are**

22 **going take a five-minute break.**

23 **THE WITNESS: All right.**

24 **(Whereupon, a recess is taken.)**

25 **BY MR. LIPSHUTZ:**

1 Q Okay. 65

2 Mr. Evans, when we were talking

3 before, you mentioned an investigator who spoke

4 to Mr. Hampton. Do you recall whether your

5 conversation in person with Mr. Hampton was

6 before or after he spoke to the investigator?

7 MS. BONJEAN: Objection to form.

8 Foundation.

9 Go ahead. You can answer.

10 THE WITNESS: When you say did I

11 speak to him, before or after?

12 BY MR. LIPSHUTZ:

13 Q Do you recall whether your in-person

14 conversation with Mr. Hampton was before or after

15 he spoke with the investigator?

16 A I think I spoke to him after.

17 MS. BONJEAN: You need to answer the

18 question --

19 THE WITNESS: I'm trying to say.

20 What he said, before. It had to be after. I

21 talked to him after. That's what it -- it was

22 both.

23 MS. BONJEAN: Okay. Lee, listen to

24 the question.

25 THE WITNESS: Yeah.

1 Q And was that in-person meeting 67

2 you're saying before he spoke to the

3 investigator?

4 A Yes.

5 Q All right. If I say to you and I

6 represent to you that Mr. Hampton spoke to the

7 investigator on June 6, 2017, would that refresh

8 your recollection that you met with

9 Mr. Hampton in person prior to June 6, 2017?

10 A No. Not really.

11 Q That does not refresh your

12 recollection?

13 A No.

14 Q Okay. Did you discuss with Mr.

15 Hampton the possibility of speaking to an

16 investigator?

17 MS. BONJEAN: Hold on. Objection to

18 the foundation of that question.

19 Go ahead.

20 THE WITNESS: No. No. I -- when I

21 --

22 MS. BONJEAN: Don't -- do you want

23 to finish your answer? I thought you answered

24 it, but --

25 THE WITNESS: Yeah.

1 MS. BONJEAN: Answer the question. 66

2 THE WITNESS: Yeah.

3 MS. BONJEAN: If you don't know, you

4 don't know. If you approximate, guess, Just

5 please tell him, but don't just --

6 THE WITNESS: It was before, before

7 the investigation. Yeah. It had to be before,

8 yeah.

9 BY MR. LIPSHUTZ:

10 Q Okay. Why do you say it had to be

11 before, sir?

12 A Because he had reached out to me

13 before, and then we -- we put this thing

14 together. I came with the meeting.

15 Q He reached out to you and then you

16 put the meeting together. Is that what you mean

17 by "this thing"?

18 A The first time he reached out, then

19 we schedule a time to meet. And then that's when

20 we met, on that other second turn.

21 Q And that was that second meeting and

22 that was the in-person meeting?

23 A Yes.

24 Q Right?

25 A Yes.

1 MS. BONJEAN: -- is there something 68

2 you want to say?

3 THE WITNESS: No. No. I was saying

4 when the investigation came in, that's when --

5 the question was -- repeat that question again.

6 BY MR. LIPSHUTZ:

7 Q I am happy to do so, sir.

8 A Okay.

9 Q I am happy to do so.

10 MS. BONJEAN: Will you just listen

11 to the question and answer it? Okay?

12 THE WITNESS: Uh-huh.

13 MR. LIPSHUTZ: Why don't we do it

14 this way.

15 Ms. Reporter, can you read back my

16 question?

17 (The reporter reads as requested.)

18 MS. BONJEAN: I have an objection to

19 the foundation of that question.

20 But you can answer it.

21 THE WITNESS: That was after the

22 investigation.

23 MS. BONJEAN: That's not an answer

24 -- how is that an answer to his question?

25 THE WITNESS: No.

1 MS. BONJEAN: Okay. That's an 69

2 answer to the question.

3 **BY MR. LIPSHUTZ:**

4 **Q So you have answered no, but I am**

5 **confused. Okay? I thought you told me – and**

6 **correct me if I am wrong –**

7 **A Uh-huh.**

8 **Q – that you met in person with Mr.**

9 **Hampton before he spoke to the investigator.**

10 **A Yes.**

11 **Q And when you were meeting with him**

12 **in person, you did not discuss the possibility of**

13 **him speaking to an investigator?**

14 MS. BONJEAN: Objection. Asked and

15 answered.

16 You can answer again.

17 **THE WITNESS: I correct that. Yeah.**

18 **It was before and after. That's what I said**

19 **before.**

20 **BY MR. LIPSHUTZ:**

21 **Q All right. Before and after is very**

22 **confusing to me. I'm going to – and so I have**

23 **to clear this up, sir.**

24 **A With the investigator, no. Only the**

25 **first – the second time, not the first time.**

1 **recollect. I can't recollect when.** 71

2 **MS. BONJEAN: Okay. That's the**

3 **answer.**

4 **BY MR. LIPSHUTZ:**

5 **Q He did, but you don't remember when?**

6 **A Right.**

7 **Q Did he tell you about his**

8 **conversation or his meeting with the**

9 **investigator?**

10 **A No.**

11 **Q So other than I met with an**

12 **investigator –**

13 **A Yeah.**

14 **Q – he didn't say anything else about**

15 **that?**

16 **A Right. The information I had got**

17 **from the investigator.**

18 **Q Did you meet with the investigator**

19 **prior to the investigator meeting with Hampton?**

20 MS. BONJEAN: I am going to object.

21 Possibly on grounds that that could be

22 attorney-client protected. I don't know if this

23 was an investigator for the -- if you would allow

24 me to consult with my client for a minute to ask

25 that question, I will allow him to answer if it

1 **When I first spoke with him, no.** 70

2 **Q The first time you spoke to him was**

3 **on the telephone; right?**

4 **A Right.**

5 **Q And that was to set up an in-person**

6 **face-to-face?**

7 **A Right.**

8 **Q Okay. Then you met with him**

9 **face-to-face?**

10 **A Right.**

11 **Q Okay. That meeting was before he**

12 **spoke to the investigator?**

13 **A Right.**

14 **Q Okay. At that meeting face-to-face,**

15 **did you discuss the possibility with Mr. Hampton**

16 **of going to see an investigator?**

17 **A No.**

18 **Q Did that topic come up later?**

19 **A Later when?**

20 **Q In any other conversations with Mr.**

21 **Hampton, did he tell you he saw an investigator?**

22 **Let me ask you that question.**

23 **Did you speak to Mr. Hampton? Did**

24 **he tell you that he spoke to an investigator?**

25 **A I am pretty sure he did. I don't**

1 wasn't part of an attorney-client communication. 72

2 MR. LIPSHUTZ: I didn't ask him

3 about communications. I just said did he meet.

4 So that's not privileged.

5 MS. BONJEAN: That's -- fair enough.

6 Go ahead. You can answer that.

7 **THE WITNESS: Repeat it.**

8 **BY MR. LIPSHUTZ:**

9 **Q That was my question, sir. Did you**

10 **meet with the investigator prior to --**

11 **A Yes.**

12 **Q – the investigator – I'm sorry.**

13 **This is for the benefit of the court reporter,**

14 **and, again, we are so far away. So I am going to**

15 **try to ask the question fully. Please let me ask**

16 **fully, and then I will give you every opportunity**

17 **to respond. That's all. My question – that way**

18 **you know what I am asking you. Okay? Fair**

19 **enough; right?**

20 **A Yes.**

21 **Q Did you meet with the investigator**

22 **before the investigator met with Mr. Hampton?**

23 **A Yes.**

24 **Q Was there anybody else present at**

25 **that meeting with the investigator?**

73

1 **A** **Yes.**

2 Q Who else was present?

3 **A** **One of his assistants.**

4 Q One of whose assistants, sir?

5 **A** **The investigator.**

6 Q Was there anybody else?

7 **A** **No.**

8 Q Who was the investigator?

9 **A** **Max.**

10 Q Who was involved in retaining this

11 investigator? Was that you or somebody else?

12 **A** **That was me.**

13 Q Did you have an attorney at the time

14 you retained this investigator?

15 **A** **No.**

16 Q What was the conversation that you

17 had with the investigator?

18 MS. BONJEAN: Objection to form.

19 Foundation.

20 **THE WITNESS: No. The question was,**

21 **he said basically I should have retained him in**

22 **the criminal matter. It would have helped a**

23 **whole lot if he would have got into the criminal**

24 **matter. He would have did the investigation on**

25 **that criminal matter. All this would have been**

75

1 **give him the statement from November of 2008 that**

2 **Mr. Hampton – where Mr. Hampton confessed?**

3 **A** **Yes. I believe so.**

4 Q So you remember giving him that

5 statement?

6 **A** **I believe so.**

7 Q Okay. Did you give him any

8 documents related to the plea agreement or the

9 agreement that Mr. Hampton had with the State to

10 testify?

11 **A** **I don't remember, but I gave him the**

12 **documents that he asked for. I had everything**

13 **available to give him.**

14 Q When – did you give him a list of

15 questions to ask Mr. Hampton?

16 **A** **It's possible. I don't remember. I**

17 **don't remember. I don't remember exactly.**

18 Q Did you discuss the questions that

19 the investigator was going to ask Mr. Hampton?

20 **A** **I am quite sure we did. Certain**

21 **things he wanted to – to -- I knew it was**

22 **something he said about -- I remember him saying**

23 **the prosecutor was picking -- picking Philander's**

24 **girl or wife up from Jersey City and taking her**

25 **here and there, something to that effect. I am**

74

1 resolved.

2 **BY MR. LIPSHUTZ:**

3 **Q** **Okay.**

4 **A** **That's basically what he was saying.**

5 **He was talking about the criminal – he brought**

6 **the criminal up a lot.**

7 Q What did you give the investigator

8 to prepare for his conversation with Mr. Hampton?

9 **A** **I don't remember. I don't recall.**

10 **I had it to, discovery whatever he wanted, but I**

11 **don't recall.**

12 Q Well, let me ask you a different

13 way. Did you give him anything?

14 **A** **I had to give him something. I**

15 **don't recall.**

16 Q Are you saying that you did give him

17 something, but you don't recall what you gave

18 him?

19 **A** **If I don't give him nothing, how is**

20 **he going to have a case? No. I don't recall**

21 **what I gave him. I know I gave him something.**

22 Q That's what I mean.

23 **A** **I don't recall. I don't recall.**

24 **Q** **That's what I asked. Okay. Let me**

25 **see if I can refresh your recollection. Did you**

76

1 not for sure.

2 Q Just clear it up for me. Who said

3 that?

4 **A** **That would be the investigator.**

5 Q Did the investigator show you any

6 questions that he was going to ask Mr. Hampton?

7 **A** **Yes.**

8 Q So the investigator had questions

9 prepared that he was going to ask Philander?

10 **A** **Yes.**

11 Q Okay. Did you edit those questions?

12 **A** **No.**

13 Q Did you suggest changes?

14 **A** **No. I think we went over all that**

15 **already, what he – the areas he was going to go**

16 **into.**

17 Q Did you tell the investigator where

18 to find Mr. Hampton?

19 **A** **No.**

20 Q Did you set up the meeting between

21 Mr. Hampton and the investigator?

22 **A** **No. I just -- I was thinking about**

23 **something when you said that.**

24 Q Is there something you want to

25 clarify an answer to?

<p>1 A No. I wasn't for sure whether the 2 investigator found Mr. Hampton -- no. No. 3 MS. BONJEAN: If you don't know, 4 that's a perfectly -- 5 THE WITNESS: No. I don't know. 6 MS. BONJEAN: -- okay answer. I 7 mean, definitely give it some thought and see if 8 you can answer it because -- 9 THE WITNESS: No. I don't know. 10 MR. LIPSHUTZ: I think my question 11 was -- Madam Reporter, can you read back the last 12 substantive question I had? 13 (The reporter reads as requested.) 14 BY MR. LIPSHUTZ: 15 Q So just so I am clear, I want to ask 16 that question again. 17 Did you set up the meeting with Mr. 18 Hampton and the investigator? 19 A No. 20 Q And did you tell the investigator 21 where to meet Mr. Hampton -- or where Mr. Hampton 22 was? 23 A No. 24 Q Okay. After Mr. Hampton gave his 25 statement, did you have any other conversations,</p>	<p>1 other than the one that you told me about where 2 you said we don't associate? 3 A No. 4 Q Did you ever tell Mr. Hampton how to 5 answer any of these questions? 6 A No. 7 Q Did you ever suggest to Mr. Hampton 8 how to answer any of these questions? 9 A No. 10 Q Did you ever tell him it would be 11 helpful to you in your lawsuit if he answered 12 questions a certain way? 13 A No. 14 Q You read his statement; correct? 15 You've read his statement? 16 A Correct. 17 Q Were any of those answers that you 18 suggested to Mr. Hampton? 19 A His statement? 20 Q Yes. 21 A Which statement you talking about? 22 Q Thank you. Fair clarification. I 23 appreciate that. 24 You read his statement to the 25 investigator; right?</p>
<p>1 A Yes. 2 Q Okay. That's the one I was talking 3 about. 4 Were any of the answers answers that 5 Mr. Hampton gave, did you suggest any of those 6 answers to Mr. Hampton? 7 A No. 8 Q Okay. Let's talk about 1978. Okay? 9 We are going to switch gears a little bit, Mr. 10 Evans. 11 A Yes. 12 Q Well, this case obviously is about 13 the five missing boys that you were accused of 14 murdering -- right -- in August -- on August 20, 15 1978. Where were you living on that day? 16 A I was living in 979 Clinton Avenue. 17 Q Is that a house or apartment, sir? 18 A That's an apartment. 19 Q Okay. How long had you lived there? 20 A Two or three years. 21 Q You lived there with your -- who did 22 you live there with? 23 A My wife. 24 Q Children? 25 A No children at the time, no.</p>	<p>1 Q And tell me, sir, to the best of 2 your recollection and in your own words what 3 happened on Sunday, August 20, 1978. 4 MS. BONJEAN: Objection to form and 5 foundation of that question. 6 If you understand, you can answer 7 it. 8 THE WITNESS: Yes. I can answer it. 9 BY MR. LIPSHUTZ: 10 Q You understood my question, sir? 11 A Yes. 12 Q Okay. Can you give me an answer? 13 A Okay. I was scheduled -- I was 14 buying a property. That was my first property, 15 93 Paine Avenue in Irvington. And I was closing 16 out on it. I had got to see it all and 17 everything. 18 And what happened with 93 -- 93 19 Paine Avenue was the new address, and 979 Clinton 20 Avenue, that was my apartment. And what I did 21 was I had boxed up everything, and I wanted to 22 get out of there before the first, way before the 23 first of the month. 24 So it was a Sunday. It was around 25 12:00. Had to be 12:00 or earlier because I came</p>

1 through – I was looking for my cousin Maurice to
 2 help me move these boxes to – from 979 Clinton
 3 Avenue to 93 Paine Avenue. And I came through
 4 the neighborhood and they wasn't around. So –
 5 and from that point I just drove around the
 6 corner. There was a place called the Hideaway
 7 where I shoot a lot of pool. I think I shot some
 8 games.
 9 And then from there I came back
 10 through. I shot about two games and left and
 11 came back through. When I was coming back from
 12 Fabyan Place, I wasn't intending to stop and pick
 13 anybody up. I was going back to Clinton Avenue
 14 before I go back over to my mother-in-law's
 15 house. That's where I stayed that night.
 16 So I came back through. As I was
 17 coming back through Fabyan Place, Michael
 18 McDowell – that's one of the missing boys I can
 19 recollect – he ran out. And when he ran out and
 20 – from the porch, he asked me what was going –
 21 what was up or something. I said I was moving.
 22 I was looking for Maurice now. He wasn't around.
 23 So long story short, from that point
 24 it was about seven boys that I had picked up
 25 right there. It was seven in truck. Went from

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1 guess. Then I made my right turn to Fabyan
 2 Place, and I went back over to the Hobson Street.
 3 Q What street?
 4 A Hobson.
 5 Q Thank you.
 6 A And from Hobson Street my main
 7 concern at that point – this was August the
 8 20th. My wife was on me because I didn't go to
 9 the bank and get that certified check. So my
 10 main concern was I had to get money – make sure
 11 I get to the bank and get a certified check for
 12 the closing. I closed on that property August
 13 the 21st, that Monday – that – that Monday.
 14 So that was – and that night there
 15 I wasn't out. I was staying at 342 Hobson
 16 Street. That was my in-laws' house. I stayed
 17 there until the next morning. And that's what
 18 happened to me on that Sunday.
 19 Q I take it that that day is kind of
 20 burned into your mind because of the events of
 21 the trial and accusations. Is that fair to say?
 22 A Yes.
 23 Q How do you – how do you feel about
 24 your memory of that day?
 25 MS. BONJEAN: Objection to the form

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1 Fabyan Place and then from Fabyan Place when you
 2 get to Clinton Avenue, you make a left and you're
 3 going back up. You'd be going into Irvington.
 4 979 Clinton Avenue is two doors in from Grove
 5 Street, but you be in Irvington at the time.
 6 And they did a little train thing.
 7 I was on the third floor of the building. I am
 8 inside the building, passing boxes out the door,
 9 and then went to the next guy, to the next guy,
 10 each one on different floor until they loaded the
 11 truck up. And they loaded it up and we took it
 12 over to 979 – I mean 93 Paine Avenue.
 13 Went across Grove Street, straight
 14 across Grove on the other side of Chancellor be
 15 – run into Paine Avenue. And we unloaded the
 16 truck. We did about two loads like that. And
 17 then I came back.
 18 When I came back down Clinton Avenue
 19 back into Newark, it was on the corner of – one
 20 side is 18th Street. The other side is Fabyan
 21 Place. That's the same connecting street to
 22 Clinton Avenue. And on the 18th Street side, it
 23 was an ice cream parlor, and that's when I gave
 24 the boys some money. And the bills – they went
 25 into the ice cream parlor and to break it up, I

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1 of the question.
 2 BY MR. LIPSHUTZ:
 3 Q Do you feel you're confident in your
 4 memory of that day?
 5 MS. BONJEAN: Objection to the form
 6 of the question.
 7 THE WITNESS: Is my memory what?
 8 Repeat that.
 9 BY MR. LIPSHUTZ:
 10 Q Sure. Do you feel confident in your
 11 memory of events of that day?
 12 A 1000 percent.
 13 MS. BONJEAN: Objection to form.
 14 Still a form objection.
 15 BY MR. LIPSHUTZ:
 16 Q 1,000 percent –
 17 A 1,000 percent sure.
 18 Q Okay. What time did you leave –
 19 A Correct that now. I don't mean
 20 every little second. I mean certain things of
 21 that day.
 22 Q Oh, let's – we're going to talk
 23 about that. That's okay.
 24 A Okay. All right.
 25 Q It was 43 years ago; right? Right?

84

1 43 years ago? 85
2 A Something like that.
3 MS. BONJEAN: 42.
4 BY MR. LIPSHUTZ:
5 Q 42-plus years. When was the last
6 time that you saw Michael McDowell that day?
7 A When he got out of the truck at the
8 ice cream parlor.
9 Q What time?
10 A That had to be before 3:00 p.m.
11 Q Did you see Michael McDowell after
12 3:00 p.m. August the 20th, 1978?
13 A After?
14 Q Yes. After 3:00 p.m.
15 A No. After I dropped him off, that
16 was it.
17 Q You have never seen him since?
18 A Never seen him since.
19 Q Okay. How confident are you in the
20 3:00 p.m.?
21 MS. BONJEAN: Objection to form of
22 the question.
23 THE WITNESS: No. I am not – I'm
24 not – I'm – it's in that area. It could have
25 been 2:30. It could have been 3:30. It was

1 Q What is the other name? 87
2 A Pittman. They call him Ricky. I
3 think his nickname is Ricky.
4 Q Was his first name Melvin?
5 A Melvin.
6 Q Melvin is one of the boys that
7 disappeared?
8 A Yes.
9 Q When was the last time you saw
10 Melvin Pittman?
11 A Same thing. Same place. Ice cream
12 parlor.
13 Q And you're 1,000 percent certain
14 that it was sometime between 2:30 and, say, 4:00,
15 something like that?
16 A It wasn't 4:00. It wasn't that
17 late.
18 Q I'm -- 2:30 to, say, 3:30. You tell
19 me.
20 A It had to be between 2:30 and 3:00.
21 If it was 4:00, then possible. That's the max,
22 you know.
23 Q Okay.
24 A I doubt it.
25 Q But you're absolutely certain it was

1 right there, though. 86
2 BY MR. LIPSHUTZ:
3 Q Could it have been 6:00 p.m.?
4 A No. No. No. No. It was not 6:00
5 p.m.
6 Q Could it have been 9:00 p.m.?
7 A No. No. It had to be between 2:30
8 and 3:30, in that range right there.
9 Q So it could not possibly have been,
10 say, 11:00 p.m.?
11 A No.
12 Q Okay. And you are absolutely
13 certain?
14 A 1,000 percent.
15 Q Okay. Do you know the names of any
16 of the other – let me make sure I am clear. You
17 said there were about seven boys in the truck?
18 A Right.
19 Q Does that mean Michael McDowell plus
20 six others or Michael McDowell plus –
21 A No. Michael – Michael plus six
22 others.
23 Q Okay. Do you know the names of the
24 other six – of any of the other six?
25 A Only one.

1 not 6:00 p.m.? 88
2 A I'm positive.
3 MS. BONJEAN: Object – I am going
4 to object. You have asked the question. He told
5 you the range of time it was. Asked and
6 answered.
7 MR. LIPSHUTZ: Well, I asked him
8 about Michael McDowell.
9 BY MR. LIPSHUTZ:
10 Q I asked you about Michael McDowell.
11 I just want to make sure it's the same for – for
12 Melvin Pittman. You didn't see Melvin Pittman at
13 any time after 6:00 p.m. – after 3:30,
14 approximately, on August 20th?
15 A After I dropped him off at the ice
16 cream parlor.
17 Q Okay. When you – what time did you
18 get back to Hobson Street – 342 Hobson Street?
19 A That had to be like maybe before
20 4:00, I guess. I dropped them off. It takes me
21 about maybe I guess 15 – 10, 15 minutes.
22 Q I am sorry. Did you ever leave 342
23 Hobson Street after –
24 A No. No.
25 Q Once again, it's best you let me ask

1 the question completely. 89

2 MS. BONJEAN: Let him finish the

3 question, and then you answer. Otherwise, you're

4 talking over each other --

5 THE WITNESS: Right.

6 MS. BONJEAN: -- and then nobody can

7 hear anything. So go ahead. Answer it.

8 **BY MR. LIPSHUTZ:**

9 **Q Plus you don't know exactly what I**

10 **am going to ask you. Okay?**

11 **After you got to 342 Hobson Street,**

12 **which is your in-laws' place; right? Correct?**

13 **Your in-laws' place?**

14 **A Yes.**

15 **Q Did you leave that place at all?**

16 **A No.**

17 **Q Are you also 1,000 percent certain**

18 **about that?**

19 **A Yes.**

20 **Q You mentioned that somewhere around**

21 **noon you were looking for your cousins Darryl and**

22 **Maurice?**

23 **A Yes.**

24 **Q Did you ever see them?**

25 **A No. No.**

1 **A Fabyan.** 91

2 **Q Okay. Was that near Darryl and**

3 **Maurice's house?**

4 **A Two doors down.**

5 **Q What was the address that you met**

6 **the McDowells?**

7 **A I don't have the address. I didn't**

8 **meet him at the address. He ran out to the**

9 **truck.**

10 **Q Okay. What kind of truck were you**

11 **driving?**

12 **A A pickup, gray pickup.**

13 **Q Did it have anything on the side of**

14 **the truck?**

15 **A Yes.**

16 **Q What did it have?**

17 **A Evans & Sons.**

18 **Q Name of your construction business?**

19 **A Yes.**

20 **Q And what about Philander Hampton?**

21 **Did you see him that day?**

22 **A That day? No.**

23 **Q How confident are you that you**

24 **didn't see Philander Hampton that day?**

25 **A 1,000 percent.**

1 **Q Did you ever spend any time with** 90

2 **them?**

3 **A That day?**

4 **Q Yes. Yes.**

5 **A No. No.**

6 **Q Where did Maurice -- they're**

7 **siblings; right? You told me earlier; right?**

8 **Siblings?**

9 **A Yes. Yes.**

10 **Q Where did they live? What house at**

11 **that time?**

12 **A 56 Fabyan Place.**

13 **Q Okay. And you -- you passed their**

14 **house. Am I right?**

15 **A Yes.**

16 **Q And is that where you ran into --**

17 **where Michael McDowell ran out, and that --**

18 **that's when you ran into Michael McDowell?**

19 **A That was earlier.**

20 **Q Okay. I am sorry. When did you**

21 **meet up with Michael McDowell?**

22 **A That was 12:00 or 12:30, somewhere**

23 **in there. About 12:30, something like that.**

24 **Q Somewhere like that. I thought you**

25 **said it was near Fabyan?**

1 MS. BONJEAN: I am going to object, 92

2 by the way, to the form of that question. I am

3 sorry for the late objection.

4 MR. LIPSHUTZ: That's fine.

5 **BY MR. LIPSHUTZ:**

6 **Q Let me ask it this way. Are you**

7 **absolutely certain that you did not see Philander**

8 **Hampton that day?**

9 **A 1,000 percent.**

10 **Q Okay. Did you see Ernest Taylor on**

11 **August 20th, 1978?**

12 **A If he was the one that got on the**

13 **truck, if he was one of the boys. It wasn't just**

14 **five boys in that area. It was like maybe 15 or**

15 **20 of them. So I don't know what the -- the only**

16 **one I can confirm is Michael and Melvin. That's**

17 **the two I definitely can confirm the names.**

18 **Q Well, let me ask you about the other**

19 **people. It's kind of important. Okay? Did you**

20 **see Randy Johnson that day?**

21 **A I am not for sure.**

22 **Q Okay. Did you see Ernest Taylor**

23 **that day?**

24 **A I am not for sure.**

25 **Q Okay. Did you see -- of the seven**

93

1 boys, did you see any of those seven boys after
 2 you left to go to 342 Hobson Street?
 3 **A I am not for sure. The only ones I**
 4 **can confirm is Melvin – Melvin and Michael.**
 5 MS. BONJEAN: Listen to his
 6 question, though.
 7 BY MR. LIPSHUTZ:
 8 Q Maybe you didn't understand my
 9 question, so I'm going to ask it again.
 10 MS. BONJEAN: Listen.
 11 BY MR. LIPSHUTZ:
 12 Q After you dropped the boys off –
 13 **A Uh-huh.**
 14 Q – at the ice cream parlor –
 15 **A Right.**
 16 Q – and went to 342 Hobson –
 17 **A Right.**
 18 Q – did you see any of those seven
 19 boys –
 20 **A No.**
 21 Q Let me finish. Let me finish.
 22 MS. BONJEAN: Let him finish. Hold
 23 on. Let me just resolve this. Please let him –
 24 THE WITNESS: All right.
 25 MS. BONJEAN: – finish the

95

1 happened was at that time I was interconnected
 2 with some – a lot of guys out there. It was an
 3 Italian guy named Charlie. He always told me, he
 4 said, Lee, I know you in Newark area, you know.
 5 Go back and get all this marijuana – anything
 6 you want, just like that. But I wasn't
 7 interested in none of that stuff at that time.
 8 And my uncle and them, they was
 9 shooting pool with another guy, a friend of his.
 10 They was working at the airport. They was
 11 pipefitters. And they were shooting pool and
 12 they was talking. Got in the conversation, I
 13 said, yeah, this guy on the job – and that's
 14 where it connected with this guy, Eddie Gibson.
 15 And I started out – I had –
 16 definitely I was transporting like a couple
 17 pounds to him, to this guy. And it was foolish,
 18 but, you know, wasn't no reason, but I was doing
 19 it.
 20 And what happened was back in August
 21 the 20th when this thing –
 22 MS. BONJEAN: Okay.
 23 THE WITNESS: Okay.
 24 MS. BONJEAN: You can keep going if
 25 you want. I don't know if that answers your

94

1 question. Thank you, Lee. It will go much more
 2 smoothly. Okay. Go ahead.
 3 BY MR. LIPSHUTZ:
 4 Q I am not going to repeat the whole
 5 question. Did you see any of those seven boys
 6 after you went to 342 Hobson Street at all?
 7 **A No.**
 8 Q Are you absolutely certain that you
 9 didn't see any of those –
 10 A 10,000 percent positive, no.
 11 Q Okay. Mr. Evans, you're aware that
 12 there were a number of accusations that one or
 13 more of the five missing boys had stolen
 14 marijuana from you; correct? You're aware of
 15 those allegations?
 16 **A Yes.**
 17 Q Back in 1978 did you sell marijuana?
 18 **A I didn't sell marijuana. What**
 19 **happened was I was – at that time I working with**
 20 **– I was working with this construction for – we**
 21 **was building Meadowlands at the time.**
 22 Q The what, sir?
 23 **A We was doing the Meadowlands.**
 24 Q Oh, okay. The Meadowlands?
 25 **A Meadowlands, yeah. And what**

96

1 question. If you wanted to ask another question
 2 or –
 3 MR. LIPSHUTZ: No. I mean, we are
 4 going to get to it.
 5 MS. BONJEAN: Yeah.
 6 BY MR. LIPSHUTZ:
 7 Q What – what happened – you say you
 8 weren't selling marijuana. But you said you were
 9 transporting it?
 10 **A No. I wasn't in the street selling**
 11 **no marijuana, not like that.**
 12 Q Okay.
 13 **A And – but I had some marijuana and**
 14 **I was trying – what happened also – and August**
 15 **the 20th – it was after the 20th. Lillie**
 16 **Williams, that's Melvin's mother. Lillie**
 17 **Williams came to me when the boys was missing.**
 18 **She said that the boys had some marijuana in the**
 19 **house. They found marijuana in the boy's house.**
 20 **And when she said that, Lillie Williams, I told**
 21 **her – I am the one telling Lillie Williams like**
 22 **I never – that somebody stole something from my**
 23 **place at that time.**
 24 And then that's when it went from
 25 there. That's how the police – it didn't dawn

1 on me that the police came -- where they came 97
 2 from until 2010. I am sitting there and the
 3 police ask me back then. That was Scott-Bey and
 4 Hairston. They asked me, hey, I am not
 5 interested in the marijuana. We are just looking
 6 for the boys. That's what he said.
 7 But the situation came. The only
 8 one I told was Lillie Williams. She the only
 9 one. Because she told the police. And that was
 10 Michael's mother. So why would I tell her
 11 something to that nature like that?
 12 MS. BONJEAN: Just answer his
 13 questions.
 14 **THE WITNESS: That was it.**
 15 BY MR. LIPSHUTZ:
 16 Q This was a conversation after the
 17 boys disappeared; right?
 18 **A Right. After they disappeared.**
 19 Q Okay.
 20 **A Lillie Williams.**
 21 Q When was the marijuana stolen?
 22 **A I am not for sure. It was just**
 23 **missing. It wasn't no -- it wasn't a break-in.**
 24 **I only thought it was the super or somebody in**
 25 **that building there. But it wasn't no break and**

1 **Go ahead. If you -- if you remember 99**
 2 **it.**
 3 BY MR. LIPSHUTZ:
 4 Q You want me to rephrase the
 5 question, sir?
 6 **A Yes.**
 7 Q Okay. I'm happy to do so. You
 8 spoke with Ms. Williams. When did you speak to
 9 her?
 10 A That was after the boys came
 11 missing.
 12 Q Okay. Wasn't it the day after they
 13 were missing?
 14 **A I don't think it was the day after.**
 15 **I don't think it was the day after. It had to be**
 16 **two or three days, maybe as -- I am not for sure**
 17 **when, but it wasn't no day after. I know that.**
 18 Q You're certain it wasn't the day
 19 after?
 20 **A I am positive.**
 21 Q And sitting here today, can you tell
 22 me whether the marijuana was stolen before or
 23 after the boys disappeared?
 24 **A I couldn't tell you that. The**
 25 **marijuana -- I don't know what time of day it was**

1 **entries or nothing like that. I am not 98**
 2 **percent when because it was in the closet.**
 3 Q How much was taken?
 4 **A About maybe two pounds or something.**
 5 **Normally I wouldn't have it in there.**
 6 Q Was it taken before the boys -- the
 7 boys disappeared?
 8 MS. BONJEAN: Objection. Asked and
 9 answered.
 10 **THE WITNESS: I don't know. I am**
 11 **not for sure.**
 12 BY MR. LIPSHUTZ:
 13 Q Well, your conversation with Ms.
 14 Williams was --
 15 **A I told her -- I told her something**
 16 **was missing. Somebody broke in, but I don't know**
 17 **when it was -- when it took place.**
 18 Q But your conversation with Ms.
 19 Williams was the day after the boys disappeared?
 20 **MS. BONJEAN: Okay. Object -- okay.**
 21 **Hold on. Objection. Let him finish before you**
 22 **start answering. Okay? Okay. Let him finish**
 23 **before you start answering.**
 24 **And he just -- I am going to object**
 25 **to the form. Mischaracterizes his testimony.**

1 **stolen. 100**
 2 Q Okay. All right. It's the time
 3 line -- I am going to show you some documents,
 4 sir. Okay?
 5 **A Okay.**
 6 Q So bear with me a second.
 7 A Uh-huh.
 8 Q Okay. Mr. Evans, can you see this
 9 document on your screen? It says O'Connor &
 10 O'Connor, Lee Evans versus City of Newark. Can
 11 you see that?
 12 **A Yes.**
 13 Q Okay. I am going to scroll down a
 14 bit. And do you see where I have marked it
 15 Evans-1 here?
 16 **A Yes.**
 17 **Q That's the sticker that I put on**
 18 **there. Okay? You see that?**
 19 **A Yes.**
 20 Q Okay. And the first paragraph says
 21 "Plaintiff Lee Evans, by way of certified Answers
 22 to Interrogatories served upon him by the
 23 Defendants City of Newark, former mayor Cory
 24 Booker" --
 25 MS. BONJEAN: Hold on. I am going

<p>1 to -- I'm going to object for a second here. Did</p> <p>2 -- were these among the documents that you were</p> <p>3 ordered to reproduce to us? I think they were.</p> <p>4 And did you, in fact, do that, Mr. Lipshutz?</p> <p>5 MR. LIPSHUTZ: I don't need to</p> <p>6 answer the question. These are --</p> <p>7 MS. BONJEAN: Sir, no. We're going</p> <p>8 to -- we're going to -- this is -- this is an</p> <p>9 issue. There was -- this was a big issue that</p> <p>10 was raised earlier on. I wrote follow-up</p> <p>11 letters, saying I don't have anything from</p> <p>12 Mr. O'Connor. The judge ordered that all</p> <p>13 discovery and written discovery requests be</p> <p>14 reproduced. I followed up with letters. The</p> <p>15 only people that were responsive were the AGs.</p> <p>16 And now you're pulling out something</p> <p>17 that I am not sure I have ever seen. Because</p> <p>18 despite having the order to reproduce it, I am</p> <p>19 not sure you did. So if you could -- I would</p> <p>20 like, you know, to make sure that we have an</p> <p>21 opportunity to -- I mean, this is new to me and</p> <p>22 you know that.</p> <p>23 MR. LIPSHUTZ: No, I don't.</p> <p>24 MS. BONJEAN: Yeah. You do know</p> <p>25 that because it's been a matter of record. The</p>	<p>1 record --</p> <p>2 MR. LIPSHUTZ: I don't know that.</p> <p>3 MS. BONJEAN: Did you reproduce</p> <p>4 this, sir?</p> <p>5 MR. LIPSHUTZ: I thought I did. In</p> <p>6 any event, I'm going to question --</p> <p>7 MS. BONJEAN: No. It's a -- it's a</p> <p>8 violation of the court order if you did not</p> <p>9 reproduce this to me. Because you knew very well</p> <p>10 that I was never provided Mr. O'Connor's file,</p> <p>11 and I made that absolutely clear of record. And</p> <p>12 you were ordered to reproduce all written</p> <p>13 discovery, both that was propounded and answered.</p> <p>14 MR. LIPSHUTZ: I thought I did.</p> <p>15 MS. BONJEAN: Okay. Well, we are</p> <p>16 going to take a break right now because I am not</p> <p>17 sure -- I'm not -- he is not answering questions</p> <p>18 about this until I get a copy of it per the court</p> <p>19 order. Okay?</p> <p>20 MR. LIPSHUTZ: No.</p> <p>21 MS. BONJEAN: You -- you -- we can</p> <p>22 get the -- we can get the court on the phone</p> <p>23 unless you can show me that you actually</p> <p>24 propounded this to me.</p> <p>25 Let's take a break and let me look</p>
<p>1 and see. I don't believe you did.</p> <p>2 MR. LIPSHUTZ: No.</p> <p>3 MS. BONJEAN: No what?</p> <p>4 MR. LIPSHUTZ: No. I am not taking</p> <p>5 a break. This is --</p> <p>6 MS. BONJEAN: Okay. Well, he is not</p> <p>7 answering your questions about it. You can get</p> <p>8 the court on the phone because you were ordered</p> <p>9 to produce this.</p> <p>10 MR. LIPSHUTZ: Excuse me. I can</p> <p>11 show him anything I want during a deposition.</p> <p>12 MS. BONJEAN: No, you cannot. No,</p> <p>13 you cannot. Okay. He is not answering questions</p> <p>14 because I have been ambushed with this.</p> <p>15 MR. LIPSHUTZ: This is his answers</p> <p>16 to interrogatories.</p> <p>17 MS. BONJEAN: I don't care. I</p> <p>18 am his counsel and I was not provided with this</p> <p>19 per the court order. So why don't we get Judge</p> <p>20 Hammer on the phone, and then we can -- we can</p> <p>21 discuss what the -- what the -- what the sanction</p> <p>22 is for your failure to produce this despite --</p> <p>23 you obviously had it. You're here ready to pull</p> <p>24 it up. You've never produced it to me pursuant</p> <p>25 to the court's order and that -- and I don't know</p>	<p>1 what the -- what the result of that is.</p> <p>2 But I am certainly going to take the</p> <p>3 time to take a look at it. You want to take a</p> <p>4 five-minute break and send it to me?</p> <p>5 MR. LIPSHUTZ: No. Anybody else</p> <p>6 want to join in on this?</p> <p>7 MR. VOMACKA: Just -- just briefly,</p> <p>8 this is Michael Vomacka from the State's office.</p> <p>9 Ms. Bonjean, I don't have all the documents</p> <p>10 offhand because we're working remotely. There is</p> <p>11 a letter that we had sent you on January 6. I</p> <p>12 would share a screen. It's just I can't on the</p> <p>13 iPad. So please just take my representation of</p> <p>14 what it says for a moment.</p> <p>15 I am reading from the middle of it.</p> <p>16 It mentions "we advised that written discovery</p> <p>17 requests have been propounded and answered by</p> <p>18 plaintiff. The same CD/DVD sent to you includes</p> <p>19 State's defendant" --</p> <p>20 THE REPORTER: Wait. Wait. Wait.</p> <p>21 Wait. Wait. I can't understand you. Wait a</p> <p>22 minute. We are going to have to start --</p> <p>23 MR. VOMACKA: I'll slow down.</p> <p>24 THE REPORTER: Yes, please.</p> <p>25 MR. VOMACKA: It mentions that there</p>

<p>1 were responses to interrogatories dated March 26, 2 2018. I am not sure if that is the same document 3 that Gary sent me. I don't know at this moment 4 if the document that Mr. Lipshutz is showing is 5 on that CD or DVD. I will do my best to endeavor 6 to check. 7 But I was just wondering if -- Gary, 8 if yours matches the date March 26, 2018. Then 9 that would probably answer it. And if not, I 10 will try and look into it myself and see. 11 MR. LIPSHUTZ: Does that answer your 12 question, Mr. Vomacka? 13 MR. VOMACKA: It does. So I -- I 14 can't -- I can't look at the CD that I sent you 15 at this very moment, Ms. Bonjean. I'm just -- at 16 least just from what Gary is showing the dates 17 matches. I don't know if that's the same one, 18 but it's -- 19 MS. BONJEAN: I -- I don't -- 20 MR. VOMACKA: I just jumped in to 21 clarify there. I can only tell you as much as I 22 know. 23 MS. BONJEAN: Okay. Thank you. I 24 appreciate that. But, again, I will -- you know, 25 perhaps it was on the disk you sent. I don't</p>	<p>105 1 believe it was. But I would like to take a 2 second to double-check that. 3 I know Mr. Lipshutz was required to 4 produce it, and I even followed up with a letter 5 saying I don't have anything from the City. And 6 as a result, I got no response from that, so -- 7 MR. LIPSHUTZ: Mr. Vomacka, I have 8 another question for you. 9 MR. VOMACKA: I will answer if I 10 can. Go ahead. 11 MR. LIPSHUTZ: Did you serve 12 separate interrogatories to Mr. Evans? 13 MR. VOMACKA: I am not sure because 14 that would have been prior to me getting on the 15 case. I am also not sure if the answers would 16 have been joint or collective. I don't know if 17 the first page of the document would indicate 18 that. 19 MR. LIPSHUTZ: Okay. 20 MR. VOMACKA: I am trying to look 21 into it as well now. It's just a little 22 difficult with -- with our remote office 23 connection. So I guess I would say that sort of 24 piece of information I have is the date, which 25 seems to match what you're putting on the screen.</p>
<p>107 1 But if that's the same or not, that's -- that's 2 the best I can do. 3 MS. BONJEAN: Okay. Well, we'll -- 4 I am going to have my paralegals look into it. 5 But you know, it doesn't matter. Go ahead 6 Mr. Lipshutz. If this is how you need to 7 litigate, by all means ask -- ask away. We'll go 8 right ahead. 9 But there will -- I -- I do intend 10 -- I mean, you -- you -- you have now produced a 11 document that you did not produce pursuant to a 12 court order previously. I don't care if 13 Mr. Vomacka produced it or not. You did not and 14 -- but go ahead. We -- I don't -- I am not going 15 to delay this deposition. So go right ahead. 16 BY MR. LIPSHUTZ: 17 Q Mr. Evans -- 18 A Yes. 19 Q -- you hear me? Do you see the 20 declaration and the signature? 21 A Yes. 22 Q Is that your signature? 23 A Yes. 24 Q I'm sorry. I skipped to the bottom. 25 There is -- these are the answers to</p>	<p>108 1 interrogatories. I'm going back to the top. And 2 I am not going to ask about every question, but 3 these are the answers to interrogatories. I am 4 going fast. I realize that. 5 I just -- first of all, I just 6 wanted to make sure this is your signature, which 7 you told me it is. Okay? Now -- 8 MS. BONJEAN: Is there a question 9 pending? 10 MR. LIPSHUTZ: I just -- 11 MS. BONJEAN: Okay. 12 MR. LIPSHUTZ: -- wanted to show him 13 the document, ma'am. 14 MS. BONJEAN: Okay. Go ahead. 15 BY MR. LIPSHUTZ: 16 Q Okay. Do you remember signing these 17 answers to interrogatories? 18 A No. I don't remember signing them, 19 but that's my signature. 20 Q Okay. Well, I am going to show you 21 -- let me go back. The answers to 22 interrogatories I have only have the answer -- 23 the answer number. It doesn't have the question. 24 So I have also marked the questions themselves 25 because I am going to ask you the question first,</p>

<p>1 and then I'm going to show you the answer. Okay?</p> <p>2 So this document is the</p> <p>3 interrogatories. They're called the first set of</p> <p>4 interrogatories. Okay? This is Evans-2.</p> <p>5 MS. BONJEAN: Okay. Objection to</p> <p>6 the editorializing and your own testifying. Go</p> <p>7 ahead.</p> <p>8 BY MR. LIPSHUTZ:</p> <p>9 Q I'm just trying -- since we are not</p> <p>10 together, I am just trying to explain. Mr.</p> <p>11 Evans, I am going to show you question number 11.</p> <p>12 Okay?</p> <p>13 A Yes.</p> <p>14 Q Can you see that on your screen,</p> <p>15 sir?</p> <p>16 A No.</p> <p>17 Q Thank you. Make it a little bigger.</p> <p>18 Can you see it now?</p> <p>19 A No.</p> <p>20 Q Can anybody see it?</p> <p>21 MR. VOMACKA: It's coming up now,</p> <p>22 Gary.</p> <p>23 BY MR. LIPSHUTZ:</p> <p>24 Q Can you see it now?</p> <p>25 A Yes.</p>	<p>109 1 Q Okay. Question number 11, Evans-2,</p> <p>2 let me go back. Maybe I wasn't sharing the</p> <p>3 screen. These are interrogatories to Plaintiff</p> <p>4 Lee Evans, Evans number 2.</p> <p>5 MS. BONJEAN: Okay. I am also going</p> <p>6 to put on the record an objection that despite a</p> <p>7 court order, this was not produced by</p> <p>8 Mr. Lipshutz.</p> <p>9 I know court orders only apply to</p> <p>10 me. I know they don't apply to the defense. It</p> <p>11 seems to be a pattern in this case. But yes.</p> <p>12 You were ordered to reproduce this. It was not</p> <p>13 reproduced.</p> <p>14 Whether or not it was on</p> <p>15 Mr. Vomacka's disk -- we are going to get to the</p> <p>16 bottom of, I don't know. But this -- this</p> <p>17 ambushing at a deposition with documents you knew</p> <p>18 that I did not have as his counsel is not only a</p> <p>19 violation of the court order, but it's also</p> <p>20 problematic in a number of other ways, but go</p> <p>21 ahead.</p> <p>22 BY MR. LIPSHUTZ:</p> <p>23 Q I am now going to show you question</p> <p>24 number 11. Okay, Mr. Evans? And I'll just read</p> <p>25 it to you.</p> <p>110</p>
<p>1 "In chronological order, as</p> <p>2 completely as you can recall, state specifically</p> <p>3 and in detail what you did on August 20-21, 1978,</p> <p>4 including all interactions you had with any or</p> <p>5 all of the presently five missing individuals,</p> <p>6 (Michael McDowell, Randy Johnson, Alvin Turner,</p> <p>7 Melvin Pittman, and Ernest Taylor." That's the</p> <p>8 question. What was your interaction on August</p> <p>9 20-21, 1978. Now I'm going to go to your answer.</p> <p>10 MS. BONJEAN: Okay.</p> <p>11 BY MR. LIPSHUTZ:</p> <p>12 Q Now I am showing you, Mr. Evans,</p> <p>13 answer number 11. I'll try to make it a little</p> <p>14 bigger. Okay? Are you able to read it?</p> <p>15 A Uh-huh.</p> <p>16 Q Yes? I didn't hear you.</p> <p>17 A Yes.</p> <p>18 Q Okay. I just want to go through it</p> <p>19 a little bit with you. Okay? These are your</p> <p>20 sworn answers to interrogatories -- well, let me</p> <p>21 strike that. Okay?</p> <p>22 The first sentence says that you</p> <p>23 were living on 979 Clinton Avenue; correct?</p> <p>24 MS. BONJEAN: Objection. You laid</p> <p>25 no foundation. You want him to read it?</p> <p>111</p>	<p>1 THE WITNESS: No. No. What I'm</p> <p>2 going to say that date is not right up there.</p> <p>3 They got August 19. Where did that come from?</p> <p>4 BY MR. LIPSHUTZ:</p> <p>5 Q It says Saturday, sir.</p> <p>6 A Yeah. But the 19th. It wasn't no</p> <p>7 19th. We wasn't involved in no 19th.</p> <p>8 Q Am I correct that the children</p> <p>9 disappeared on the Sunday, the 20th of August?</p> <p>10 MS. BONJEAN: Objection to form.</p> <p>11 Foundation.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MR. LIPSHUTZ:</p> <p>14 Q I am correct; right?</p> <p>15 A I went -- no. Where did the 19th</p> <p>16 come from?</p> <p>17 Q Sir.</p> <p>18 A I wouldn't participate with that. I</p> <p>19 see that right away, the 19th.</p> <p>20 Q This is just your answer to</p> <p>21 interrogatories. And I will just go through it</p> <p>22 with you, and you can disagree or not. Okay?</p> <p>23 MS. BONJEAN: You know what? We are</p> <p>24 going to take a break right now. I have to -- I</p> <p>25 have to take care of something. I got to look at</p> <p>112</p>

1 something myself. We are going to take a break. 113

2 MR. LIPSHUTZ: No. I just --

3 MS. BONJEAN: We are taking a break.

4 You have -- I am going to take a look at

5 Mr. Vomacka's CD. That is happening. If you --

6 if you want to -- you can do whatever you want in

7 response, because --

8 MR. LIPSHUTZ: I have a pending

9 question.

10 MS. BONJEAN: What was the question

11 that was pending? You didn't have a question

12 pending.

13 MR. LIPSHUTZ: Yes, I did.

14 **MS. BONJEAN: Okay. What -- Madam**

15 **Court Reporter, please read back the last**

16 **question.**

17 (The reporter reads as requested.)

18 **MS. BONJEAN: So we are going to**

19 **take a break. Unless you can tell me what the**

20 **question was, he'll answer it.**

21 MR. LIPSHUTZ: Take a break.

22 MS. BONJEAN: Yes, we are.

23 (Whereupon, a recess is taken.)

24 BY MR. LIPSHUTZ:

25 Q Mr. Evans, can you hear me?

1 Q Mr. Evans, tell me when you've read 115

2 it. I didn't ask any questions. When you want

3 me to scroll down, I will scroll down.

4 **A Yeah. But I am saying this document**

5 **is not correct.**

6 MS. BONJEAN: Okay. Here.

7 THE WITNESS: Okay.

8 MS. BONJEAN: Just let him answer --

9 ask the questions. You answer the questions. He

10 asks the questions.

11 Go ahead, Mr. Lipshutz.

12 THE WITNESS: All right.

13 **BY MR. LIPSHUTZ:**

14 Q I am going to scroll down and let

15 you read the rest of it. okay? Tell me when

16 you're finished. I will scroll down for the rest

17 of it. Okay?

18 A Uh-huh.

19 MS. BONJEAN: Read it and then he

20 will ask.

21 BY MR. LIPSHUTZ:

22 Q I just want to know when you have

23 read this document.

24 MS. BONJEAN: Are you done reading

25 it?

1 **A Yes.** 114

2 Q Okay. You don't remember signing

3 Interrogatories with Mr. O'Connor?

4 **A I didn't say that. It's my**

5 **signature, but I want to look at that document**

6 **again.**

7 Q Okay. I just have a few questions

8 about your response.

9 **A Yeah. But I need to see that**

10 **document you had up there.**

11 Q I will put it up.

12 **A Yeah. I need to see that.**

13 Q Sure. Why don't you take a minute

14 and read it. First of all, do you see it?

15 **A Yeah.**

16 Q This is Evans -- I am going to make

17 sure I -- I put on the record what it is I am

18 showing. This is Evans-1, and this is the answer

19 to number 11. Take a minute and read it. Okay?

20 **A Yeah. That's not -- that's not me.**

21 **I didn't agree to that. That's my signature down**

22 **there, but that's not -- I didn't agree to --**

23 **first of all, you got the City of Newark. What**

24 **is the City of Newark doing in there? That's**

25 **Irvington. That property is in Irvington.**

1 THE WITNESS: I am reading it, but I 116

2 still feel --

3 MS. BONJEAN: Have you read -- have

4 you read what is on the screen?

5 **THE WITNESS: Not yet. Yeah.**

6 **MS. BONJEAN: Okay. He's read**

7 **what's on the screen. Go ahead. Is there a**

8 **question you want to ask? He read it.**

9 MR. LIPSHUTZ: Forgive me. I didn't

10 think he was finished.

11 BY MR. LIPSHUTZ:

12 Q Have you read this whole thing, Mr.

13 Evans?

14 **A I read it, yeah. I see inconsistent**

15 **there.**

16 MS. BONJEAN: He didn't ask you

17 about that.

18 THE WITNESS: Yes. Yes.

19 BY MR. LIPSHUTZ:

20 Q Okay. So I am going to go through

21 it, and if there is something you don't agree

22 with, let me know. Okay?

23 **A Okay. Yes.**

24 Q Back at the top -- now remember, the

25 question was, tell me about -- would you like to

<p>1 see the question again?</p> <p>2 A Yes.</p> <p>3 MS. BONJEAN: Objection to the form</p> <p>4 and foundation of these questions.</p> <p>5 BY MR. LIPSHUTZ:</p> <p>6 Q Now I put back up here question</p> <p>7 number 11. Can we go to the answer now?</p> <p>8 A Yes.</p> <p>9 Q Mr. Evans, it is true that on August</p> <p>10 19th you were living in an apartment with your</p> <p>11 wife at 979 Clinton Avenue?</p> <p>12 A In August? No. That's not true.</p> <p>13 Q On August 19th you were not living</p> <p>14 in that apartment?</p> <p>15 A I was in the apartment. I kept the</p> <p>16 apartment. At the time my wife -- my new son --</p> <p>17 newborn baby, that was my son. No. It's not</p> <p>18 true.</p> <p>19 Q Where were you living on August 19,</p> <p>20 1978?</p> <p>21 A I was living at 979 Clinton Avenue.</p> <p>22 Also I was at 342 Hobson Street.</p> <p>23 Q Was your wife living at 979 Clinton</p> <p>24 Avenue on August 19, 1978?</p> <p>25 A No.</p>	<p>117</p> <p>1 Q She was living where?</p> <p>2 A 342 Hobson Street.</p> <p>3 Q Okay. This paragraph -- the first</p> <p>4 paragraph mentions a contract for purchase of</p> <p>5 property at 93 Paine, P-A-I-N-E, Avenue,</p> <p>6 Irvington; correct?</p> <p>7 A Correct.</p> <p>8 Q You told me about that earlier in</p> <p>9 the deposition; correct?</p> <p>10 A Yes.</p> <p>11 Q Okay. Let's skip to the second</p> <p>12 paragraph. Okay? Unless there is some other</p> <p>13 inconsistency or something that you want to tell</p> <p>14 me about the first paragraph.</p> <p>15 A Yeah.</p> <p>16 Q I would like to move on to the</p> <p>17 second paragraph. Okay?</p> <p>18 A Number 11 is not -- is all</p> <p>19 inconsistent.</p> <p>20 MS. BONJEAN: Okay. It's his</p> <p>21 deposition.</p> <p>22 THE WITNESS: All right.</p> <p>23 MS. BONJEAN: Let him ask the</p> <p>24 questions, and then you will answer the</p> <p>25 questions.</p> <p>118</p>
<p>1 BY MR. LIPSHUTZ:</p> <p>2 Q On Sunday, the 20th of August, you</p> <p>3 had everything packed in boxes at your -- the</p> <p>4 apartment. You've already told me about that;</p> <p>5 correct?</p> <p>6 A Yes.</p> <p>7 Q Okay. And you did tell me that you</p> <p>8 went to Fabyan Place looking for your cousins</p> <p>9 Darryl and Maurice Woody?</p> <p>10 A Yes.</p> <p>11 Q Correct?</p> <p>12 A Yes.</p> <p>13 Q Maurice, does he go by a different</p> <p>14 last name?</p> <p>15 A Olds.</p> <p>16 Q O-L-D-S?</p> <p>17 A Yes.</p> <p>18 Q Okay. And you told me that it was</p> <p>19 to move boxes from 979 Clinton to 93 Paine;</p> <p>20 correct?</p> <p>21 A Yes.</p> <p>22 Q Okay. And you told me you were not</p> <p>23 able to locate your cousins; right?</p> <p>24 A Yes.</p> <p>25 Q And you told me that you went to The</p>	<p>120</p> <p>1 Hideaway on Nye Avenue where you used to shoot</p> <p>2 pool?</p> <p>3 A Yes.</p> <p>4 Q That's in here; correct? That's in</p> <p>5 here; right?</p> <p>6 A Yeah.</p> <p>7 Q Okay. And it says here no one was</p> <p>8 there. So I -- does that mean no one was at The</p> <p>9 Hideaway when you went there to shoot pool?</p> <p>10 A No one to shoot with.</p> <p>11 Q Okay. Thank you for clarifying.</p> <p>12 And when you were driving to your cousin's house,</p> <p>13 Michael McDowell ran out on the street from his</p> <p>14 porch at a home two doors down from 56 Fabyan</p> <p>15 Place that was owned by his aunt and where his</p> <p>16 cousins lived?</p> <p>17 A Yes.</p> <p>18 Q Okay. And because you could not</p> <p>19 find your cousins, you had a conversation with</p> <p>20 Michael?</p> <p>21 A Yes.</p> <p>22 Q Correct?</p> <p>23 A Yes.</p> <p>24 Q And you told Michael that you needed</p> <p>25 help moving boxes?</p>

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1 **A Yes.**

2 Q Okay. And this happened before 2:00

3 and most probably between 12:30 and 1:00 p.m?

4 **A Right.**

5 Q Is that accurate?

6 **A Somewhere in there, yes.**

7 Q Okay. You had a green pickup truck?

8 **A Yes.**

9 Q Name and number on the side; right?

10 **A Yes.**

11 Q Okay. And Michael and Melvin

12 Pittman and about five other boys went with you

13 to 979 Clinton Avenue. That's what you told me

14 earlier; right?

15 **A Yeah.**

16 Q Okay.

17 **A Except on the – go ahead.**

18 Q I thought that's what you told me

19 earlier.

20 **A No. That's what I told you, but I**

21 **see in here it's different. They say My wife**

22 **live on the third floor.**

23 Q Okay. Your wife didn't live on the

24 third floor?

25 **A She wasn't there. I didn't put my**

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1 **earlier; correct? That's what it says.**

2 **A Yeah. But it was earlier, yeah.**

3 Q Okay. And then you took the boys

4 back to Newark and Clinton – excuse me. You

5 took the boys back to Newark to the intersection

6 of 18th and Fabyan Place with an ice cream parlor

7 on the 18th Street side of Clinton Avenue. You

8 told me about that earlier in the deposition;

9 correct?

10 **A Correct.**

11 Q Okay. You gave one of the boys a

12 bill to buy ice cream; correct?

13 **A No. Not to buy ice cream. To make**

14 **change to give the others, yeah.**

15 Q My mistake. And this occurred, and

16 in your answers to interrogatories, no later than

17 4:30 p.m. and probably earlier; correct?

18 **A It was earlier.**

19 **Q Okay. And the last time plaintiff**

20 **saw the boys was at the ice cream parlor. You**

21 **told me that earlier; correct?**

22 **A Correct.**

23 Q Okay. It says here plaintiff may

24 have gone to The Hideaway to shoot a game of pool

25 but is unsure if you did and that on that Sunday

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1 **wife in there.**

2 Q Okay. Thank you for clarifying.

3 And you say here the boys moved the boxes by

4 passing it down the stairs from one to another?

5 **A Right.**

6 Q You told me about the train; right?

7 **A Right.**

8 **Q Okay.**

9 **Then you drove to 93 Paine Avenue,**

10 **where you unloaded the boxes and put the boxes on**

11 **the first floor; correct?**

12 **A The first floor, basement, somewhere**

13 **between there, yeah.**

14 Q Okay. And here in your

15 interrogatory answers you said approximately

16 three trips. I know earlier in the deposition

17 you said maybe two trips.

18 **A Yes. Something like that.**

19 **Q Two or three trips; right? Correct?**

20 **A I think it was two, though, yeah.**

21 Q Okay. You did say approximately

22 three in your interrogatory answer.

23 **A Oh, okay.**

24 **Q Okay. And it says here they were**

25 **done moving no later than 4:00 p.m. and probably**

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1 plaintiff and his wife were staying at the

2 plaintiff's house at 342 Hobson Street.

3 **A It wasn't my house.**

4 Q Parents' house? Her parents' house.

5 MS. BONJEAN: At her parents' house.

6 **THE WITNESS: Her parents' house,**

7 **yeah.**

8 BY MR. LIPSHUTZ:

9 Q Okay. So we sort of went through

10 this. The inconsistency that you said is your

11 wife was not living at 939 Clinton Avenue with

12 you?

13 **A At the time she hadn't been living**

14 **there for at least maybe four months.**

15 Q Is there anything else that you

16 disagree with in the answers to interrogatories?

17 MS. BONJEAN: Objection to the form

18 and foundation of that question. Anything else

19 that seems what you – I don't know what you mean

20 by disagree – do you know what he means by

21 disagree with?

22 THE WITNESS: What?

23 MS. BONJEAN: I don't know. Do you

24 – do –

25 **THE WITNESS: What you mean?**

<p>1 BY MR. LIPSHUTZ:</p> <p>2 Q I will ask it again. We read</p> <p>3 through your answer to number 11. Is there</p> <p>4 anything else in there that you read today that</p> <p>5 you disagree with?</p> <p>6 A I'll have to go over that whole</p> <p>7 thing. I have to get it.</p> <p>8 MS. BONJEAN: What he read -- what</p> <p>9 you read right now, was there anything else that</p> <p>10 stuck out that you disagree with?</p> <p>11 THE WITNESS: Yes. I see where they</p> <p>12 got the Newark in there, City of Newark. And I</p> <p>13 see August the 20th. I don't know where that</p> <p>14 came from, and the wife was living at 979 Clinton</p> <p>15 Avenue. That wasn't correct.</p> <p>16 BY MR. LIPSHUTZ:</p> <p>17 Q You mentioned that.</p> <p>18 A Yeah.</p> <p>19 Q You say that it might have been</p> <p>20 Irvington where it says Newark? Is that what you</p> <p>21 mean?</p> <p>22 A Yeah. That was -- that's incorrect</p> <p>23 too.</p> <p>24 Q Okay.</p> <p>25 A Just a lot -- there's probably other</p>	<p>125 1 things also just overlooking.</p> <p>2 Q Okay. Let me show you the last --</p> <p>3 let's go through the last paragraph of this</p> <p>4 answer. "Plaintiff arose early the next morning</p> <p>5 and went to see his aunt."</p> <p>6 A Right.</p> <p>7 Q At 56 Fabyan Street.</p> <p>8 A Yeah.</p> <p>9 Q So he could play a number.</p> <p>10 A Right.</p> <p>11 Q And this was your aunt you told me</p> <p>12 earlier. What was her name? That's --</p> <p>13 A Julia, Julia May, Julia Woody.</p> <p>14 Q And that's Darryl and Maurice's</p> <p>15 mother. Right?</p> <p>16 A Right.</p> <p>17 Q Okay. And as you were getting in</p> <p>18 your car, Alvin Turner's mother and father</p> <p>19 stopped and told plaintiff that Alvin had not</p> <p>20 come home the night before. You see that?</p> <p>21 A Yes.</p> <p>22 Q Did that happen?</p> <p>23 A Yes. Yes. It did happen.</p> <p>24 Q And you told them that you were on</p> <p>25 your way to a closing?</p> <p>126</p>
<p>1 A I was going to a closing.</p> <p>2 Q What was Alvin Turner's mother's</p> <p>3 name?</p> <p>4 A Florence. Florence, I think.</p> <p>5 Q Did you tell her anything else?</p> <p>6 A No. I told her after I come from</p> <p>7 the closing, you know, I'd get back with her.</p> <p>8 And she was -- I don't know what was happening.</p> <p>9 I didn't know -- I didn't even know her son. I</p> <p>10 know her -- her sister was living across the</p> <p>11 street, and I know her nephew, you know. Her</p> <p>12 nephew -- she had more than one. I knew two of</p> <p>13 her nephews, but I didn't really know her son.</p> <p>14 Q What was her sister's name?</p> <p>15 A Ms. Hall.</p> <p>16 Q Did you ever speak to her after you</p> <p>17 got back from your closing?</p> <p>18 A No. I don't think so, no.</p> <p>19 Q But you did speak to the mother and</p> <p>20 the father that morning -- the next -- the next</p> <p>21 morning; that is, the morning of Monday, the</p> <p>22 21st?</p> <p>23 A Right. The next morning.</p> <p>24 Q Okay.</p> <p>25 A Also --</p> <p>127</p>	<p>1 Q Did you talk to anybody else that</p> <p>2 day about the disappearances?</p> <p>3 A No.</p> <p>4 Q You're 100 percent or 1,000 percent</p> <p>5 certain you didn't talk to anybody else?</p> <p>6 A Might have told my aunt. I am not</p> <p>7 going to say I didn't talk to no one else. I</p> <p>8 can't say that. But if they disappeared and</p> <p>9 didn't show up, you know.</p> <p>10 Q When you say you may have talked to</p> <p>11 your aunt, what was your aunt's name?</p> <p>12 A Julia.</p> <p>13 Q Okay. That aunt. Okay. Did you</p> <p>14 talk to any of the other family members other --</p> <p>15 A I don't remember. I don't remember.</p> <p>16 Q Okay. What is the first time that</p> <p>17 you remember, sir, talking to the police?</p> <p>18 A That had to be -- that had to be</p> <p>19 maybe the 23rd or something. 23rd -- the 23rd.</p> <p>20 The police didn't come at all, I don't think, you</p> <p>21 know, until the 23rd.</p> <p>22 Q Tell me about that the first time</p> <p>23 you -- did you speak to the police officers?</p> <p>24 A Yeah.</p> <p>25 Q Tell me about it.</p> <p>128</p>

<p>1 MS. BONJEAN: Objection to form of</p> <p>2 that question.</p> <p>3 BY MR. LIPSHUTZ:</p> <p>4 Q What happened?</p> <p>5 A Well, that's when I – the police</p> <p>6 Scott-Bey and Hairston, those are the two that</p> <p>7 was on the case. And they came to me. It went</p> <p>8 over my head, though, what they said. I didn't</p> <p>9 catch it until by 2010. He said we know about</p> <p>10 the marijuana, but we don't care about the</p> <p>11 marijuana. We just want the boys back, you know.</p> <p>12 And that's what he was – he came to me on that.</p> <p>13 And it was amazing to me how I am getting</p> <p>14 involved and right away they missing Sunday night</p> <p>15 and Monday morning they come to me. And then</p> <p>16 also when –</p> <p>17 MS. BONJEAN: Okay. He – we're</p> <p>18 going to answer questions. We are not – we're</p> <p>19 not getting into your theories of the case right</p> <p>20 now. We're going to answer questions. Okay?</p> <p>21 BY MR. LIPSHUTZ:</p> <p>22 Q So did they come to you the next</p> <p>23 day?</p> <p>24 A Next what day?</p> <p>25 Q I thought you just said the police</p>	<p>129 1 came to you the next day.</p> <p>2 A I didn't –</p> <p>3 Q What did you say?</p> <p>4 A I said the 23rd.</p> <p>5 Q Okay. And that's when you spoke to</p> <p>6 Scott-Bey?</p> <p>7 A 23rd or it could have been the 24th.</p> <p>8 I'm not 100 percent.</p> <p>9 Q Okay. That's when you spoke to</p> <p>10 Hairston and Scott-Bey?</p> <p>11 A Yes.</p> <p>12 Q Okay. What did they ask you? Do</p> <p>13 you remember?</p> <p>14 A Yeah. They said I know about the</p> <p>15 marijuana. I don't care about the marijuana. I</p> <p>16 just want the boys. We just want to make sure we</p> <p>17 get the boys back or something to that nature.</p> <p>18 Q Is that when you had – when they</p> <p>19 found out that you had a traffic warrant?</p> <p>20 A No. That was – that was the time</p> <p>21 when – the traffic warrant when I went downtown,</p> <p>22 they ask me come down.</p> <p>23 Q Okay.</p> <p>24 A And then when I came down.</p> <p>25 Q Did you ever – do you remember</p> <p>130</p>
<p>1 speaking with Detectives Rodriguez and Clark?</p> <p>2 A Not really.</p> <p>3 Q Not really?</p> <p>4 A There was more than one detective,</p> <p>5 so, you know, I mean, more than two detectives.</p> <p>6 It was other detectives involved.</p> <p>7 Q Do you remember ever talking to</p> <p>8 other police officers, other than Scott-Bey and</p> <p>9 Hairston?</p> <p>10 A Yeah. When I came down to the</p> <p>11 police department.</p> <p>12 Q What about any other detectives who</p> <p>13 – who may have met you out not in a police</p> <p>14 department? Do you remember speaking to any</p> <p>15 other detectives outside of the police</p> <p>16 department?</p> <p>17 MS. BONJEAN: Objection to form.</p> <p>18 Foundation of that question.</p> <p>19 THE WITNESS: Are you talking about</p> <p>20 back in '78 or are you talking up-to-date?</p> <p>21 BY MR. LIPSHUTZ:</p> <p>22 Q I am sorry, sir. I am talking about</p> <p>23 '78, sir.</p> <p>24 A No. No other police officers.</p> <p>25 Q Okay.</p> <p>131</p>	<p>1 A Outside.</p> <p>2 Q So Scott-Bey and Hairston said</p> <p>3 they're not interested in the marijuana. They</p> <p>4 want the boys back. And what else? Did they ask</p> <p>5 you any other questions? Do you remember?</p> <p>6 A They asked me a lot of questions,</p> <p>7 but I just answered whatever – you know,</p> <p>8 whatever they asked.</p> <p>9 Q Did they ask you when you last saw</p> <p>10 the boys?</p> <p>11 A Yeah. Quite sure they asked me</p> <p>12 that.</p> <p>13 Q What did you – did you tell them</p> <p>14 that you last saw them at 4:00?</p> <p>15 A No. I told them the same thing.</p> <p>16 The ice cream parlor right there.</p> <p>17 Q You told them that the last time you</p> <p>18 saw them was at the ice cream parlor in the</p> <p>19 afternoon?</p> <p>20 A Yes.</p> <p>21 Q I am getting the names confused, and</p> <p>22 I am sorry about that. Randy Johnson, did you</p> <p>23 ever speak to his mother?</p> <p>24 A No.</p> <p>25 Q Do you know what her name is?</p> <p>132</p>

<p>1 A Ms. Johnson, I guess. Yeah.</p> <p>2 Q Sarah Johnson?</p> <p>3 A No. That's -- the only mother I</p> <p>4 spoke to -- the only two mothers, really, the one</p> <p>5 time with Florence outside, but the one I was</p> <p>6 communicating with was Lillie Williams. That's</p> <p>7 Pittman's mother.</p> <p>8 Q Mr. Evans, I am going to show you a</p> <p>9 document that I've marked already. It's marked</p> <p>10 Evans-5, Mr. Evans. Evans-5, it's got a stamp at</p> <p>11 the bottom Newark 63. Mr. Evans, this is the</p> <p>12 initial missing persons report.</p> <p>13 MS. BONJEAN: We can't see it. We</p> <p>14 can't see it. If you want to --</p> <p>15 MR. LIPSHUTZ: I'll make it as big</p> <p>16 as you want.</p> <p>17 MS. BONJEAN: It's not up at all.</p> <p>18 We don't see it. It's not -- it's not presented.</p> <p>19 MR. LIPSHUTZ: That's a different</p> <p>20 issue and I apologize because I didn't get to</p> <p>21 share screen. Thank you.</p> <p>22 BY MR. LIPSHUTZ:</p> <p>23 Q Okay. This is Evans-5. Do you see</p> <p>24 the stamp on it says Evans-5?</p> <p>25 A Yes.</p>	<p>133</p> <p>1 Q It's got a stamp at the bottom that</p> <p>2 says Newark 63. Do you see that? Newark 63,</p> <p>3 right here?</p> <p>4 MS. BONJEAN: You see it right</p> <p>5 there? It says Newark 63 right there. You see</p> <p>6 that?</p> <p>7 THE WITNESS: Okay.</p> <p>8 MS. BONJEAN: You need glasses on?</p> <p>9 BY MR. LIPSHUTZ:</p> <p>10 Q It's an old document, Mr. Evans, but</p> <p>11 I am going to try to make it as big as possible.</p> <p>12 But I am going to represent to you that this is a</p> <p>13 missing persons report filed by Sarah Johnson,</p> <p>14 the mother of Randy Johnson. And the date of the</p> <p>15 report is August 21st, 1978, the day after they</p> <p>16 went disappearing. And it's signed by the police</p> <p>17 officer and the lieutenant on August 22nd, 1978.</p> <p>18 Okay?</p> <p>19 But I'm going to read to you the --</p> <p>20 the remarks, okay, here. "Victim mother states</p> <p>21 that victim went to work with several other guys</p> <p>22 for a Lee Anthony Evans of 979 Clinton Avenue who</p> <p>23 stated to victim mother that he dropped victim</p> <p>24 off near his house at approximately 2300 hours on</p> <p>25 August 20th, 1978.</p>
<p>1 Mr. Evans, did you tell Ms. Johnson,</p> <p>2 Randy Johnson's mother, that you dropped the kids</p> <p>3 off at 11:00 p.m.?</p> <p>4 A No.</p> <p>5 Q Can you think of any reason why the</p> <p>6 victim's mother would lie about that to the</p> <p>7 police, that --</p> <p>8 A I don't --</p> <p>9 MS. BONJEAN: Stop. Stop.</p> <p>10 Objection to the form of that question. He never</p> <p>11 said -- mischaracterizes his testimony. I am</p> <p>12 going to object to the form of it.</p> <p>13 It's -- go ahead. Go ahead. You</p> <p>14 can answer to the best of your knowledge.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MR. LIPSHUTZ:</p> <p>17 Q Let me -- let me ask the question,</p> <p>18 sir, because I didn't get the full question out.</p> <p>19 A Okay.</p> <p>20 Q Can you think of any reason why the</p> <p>21 victim's mother would lie?</p> <p>22 MS. BONJEAN: Objection. He never</p> <p>23 said --</p> <p>24 MR. LIPSHUTZ: Can I please ask the</p> <p>25 question?</p>	<p>134</p> <p>1 MS. BONJEAN: Okay. I need you to</p> <p>2 quit yelling, sir.</p> <p>3 MR. LIPSHUTZ: May I please ask the</p> <p>4 question?</p> <p>5 MS. BONJEAN: Yes. Go ahead.</p> <p>6 Answer the -- ask the question.</p> <p>7 BY MR. LIPSHUTZ:</p> <p>8 Q Mr. Evans, can you think of any</p> <p>9 reason why the mother of a missing boy would lie</p> <p>10 to the police about the time you dropped off her</p> <p>11 son?</p> <p>12 MS. BONJEAN: I am going to object.</p> <p>13 You can answer. I am first going to object to</p> <p>14 the form.</p> <p>15 Now go ahead and answer, Lee.</p> <p>16 THE WITNESS: Well, first of all, I</p> <p>17 -- I -- I doubt very seriously that the mother</p> <p>18 would lie. But I can tell you this here. All</p> <p>19 these documents was -- was altered and falsified</p> <p>20 and everything else.</p> <p>21 BY MR. LIPSHUTZ:</p> <p>22 Q Oh, so the officer who wrote this</p> <p>23 down --</p> <p>24 A No. Not the officer. It's not the</p> <p>25 officer. And I can go through those documents</p>

<p>1 and I can prove that they was altered and 2 falsified.</p> <p>3 Q Oh, I see what you're saying. So 4 this document has been altered, is that what – 5 you're saying this document was altered?</p> <p>6 A If – if – if she is not a liar, of 7 course it is. I am not.</p> <p>8 MS. BONJEAN: Just answer the 9 question.</p> <p>10 BY MR. LIPSHUTZ:</p> <p>11 Q So this document was altered. 12 A If you ask me –</p> <p>13 MS. BONJEAN: Go ahead. Listen. 14 BY MR. LIPSHUTZ:</p> <p>15 Q This document was altered. That's 16 what you're saying?</p> <p>17 MS. BONJEAN: He answered that 18 question. I will object.</p> <p>19 Mr. LIPSHUTZ: It's hard for me to 20 hear him. That's all.</p> <p>21 BY MR. LIPSHUTZ:</p> <p>22 Q How was this document altered and 23 who altered it?</p> <p>24 A Who altered it? The police 25 department – I mean, the '78 police report is</p>	<p>137</p> <p>1 altered. The fire report is altered. All of is 2 altered. It contradict itself. I can show you 3 all the inconsistencies in it, because they be 4 saying things. You say who. I can't tell you 5 who. I wasn't there – who wrote it. All I am 6 telling you, all this here conspiracy came 7 together when they altered all these here 8 documents, and I can prove it.</p> <p>9 Q I am asking you to tell me who – 10 you can't tell me who altered it; right?</p> <p>11 A I am just telling you what is in 12 front of me. These documents is not correct.</p> <p>13 Q What – how was – how was this 14 document altered?</p> <p>15 A Now you calling Ms. Johnson a liar, 16 that's what you're saying?</p> <p>17 Q I didn't hear what you said, sir. I 18 just didn't hear what your answer was. Can you 19 repeat that answer back?</p> <p>20 A You said how did this document could 21 be altered.</p> <p>22 Q How was it altered? What was 23 altered about this document?</p> <p>24 A I will just repeat. I will repeat 25 it again. The document is – not just this</p> <p>138</p>
<p>139</p> <p>1 document. The police report, the file report, 2 everything is altered in there. I can show you 3 everything inconsistencies. Even Ms. Johnson, 4 you can take these – the daughter report and put 5 it with that report. It's totally opposite.</p> <p>6 Q Okay. Mr. Evans, did you tell the 7 victim's mother that you dropped off her son at 8 11:00 p.m.?</p> <p>9 A No. No.</p> <p>10 Q Okay.</p> <p>11 A 1,000 percent no.</p> <p>12 Q Thank you. Let's look at another 13 document.</p> <p>14 Mr. Evans, I am showing a document 15 that's been marked Evans-4. It's a number of 16 pages. It's marked at the bottom Newark 73 to 17 Newark 79. Okay? And it is the – I'm going to 18 represent to you it's the first report from 19 Hairston. Okay?</p> <p>20 And on the first page it is Newark 21 73. It's signed September 15, 1978. I presume 22 that you have seen Detective Hairston's police 23 reports before?</p> <p>24 A Yes.</p> <p>25 Q I want to talk to you about a</p>	<p>140</p> <p>1 paragraph on the very first page, assignment 2 received August 23, 1978, and it lists the five 3 missing boys. Okay?</p> <p>4 The very next paragraph says – I'm 5 going to read it. "Ms. McDowell further stated 6 to the officers that the youths were picked up by 7 Lee Evans in the truck somewhere on Clinton 8 Avenue, and that was the last time they have been 9 seen. Ms. McDowell further stated to officers 10 that an unidentified youth named Bob had received 11 a telephone call from an unidentified person, 12 advising him if the marijuana was not returned to 13 them, the youths would be killed.</p> <p>14 Detectives further reported that a 15 Mrs. Johnson, sister of the missing youth Randy 16 Johnson, was at the McDowell residence, and she 17 them she would try to get Bob's name and address 18 and she would contact the YAB," which I will 19 represent to you stood for Youth Aid Bureau.</p> <p>20 My first question is did I read it 21 – did I read the report accurately?</p> <p>22 A The report is – what you reading is 23 accurate, but it's not accurate.</p> <p>24 MS. BONJEAN: Okay. I want you – 25 okay. I want you to answer his question. I want</p>

<p>1 you to answer his question and only his question.</p> <p>2 Is that so hard? I know -- I know you're upset.</p> <p>3 The way this goes is to answer his question.</p> <p>4 Okay?</p> <p>5 BY MR. LIPSHUTZ:</p> <p>6 Q So I'm just -- the first question</p> <p>7 was I read that to you accurately; correct?</p> <p>8 A Yes.</p> <p>9 Q You do not believe it is accurate;</p> <p>10 is that correct? Is that what you believe? It's</p> <p>11 not accurate?</p> <p>12 A 1,000 percent not.</p> <p>13 Q What is inaccurate about this report</p> <p>14 -- about this paragraph?</p> <p>15 A Well, first of all, that's -- that's</p> <p>16 Florence. You talking about Florence McDowell</p> <p>17 right now; right? All right. Her statement here</p> <p>18 -- her statement, not the police report. Her</p> <p>19 statement was total opposite. Said Roger Taylor</p> <p>20 came to her house first thing in the morning and</p> <p>21 told her they weren't -- they snuck back. That's</p> <p>22 -- that's the statement she gave, not this here.</p> <p>23 Every -- every statement on -- everybody made a</p> <p>24 statement and is contradicting itself on this</p> <p>25 here, on the reverse, on the changes of this</p>	<p>141</p> <p>1 report. And I am not saying that Scott-Bey and</p> <p>2 Hairston made this report. I am saying somebody</p> <p>3 went on top of them.</p> <p>4 Q Who went on top of them?</p> <p>5 A It was inconsistent.</p> <p>6 Q Who went on top of this report?</p> <p>7 A I couldn't tell you the names.</p> <p>8 Q Okay. Let's look at the next</p> <p>9 paragraph which I'm going to read. First thing</p> <p>10 I'm going to do is read the paragraph. All</p> <p>11 right. Be let me go back.</p> <p>12 This is August 22nd, 1978.</p> <p>13 "Detective Rodriguez and Clark reported that they</p> <p>14 responded to 707 Clinton Avenue, Apartment 307,</p> <p>15 address given of Lee Evans where they interviewed</p> <p>16 Evans. Detectives reported that Evans stated he</p> <p>17 picked up the missing youths who sometimes help</p> <p>18 him with his construction work and took them with</p> <p>19 him on several jobs and returned with them at</p> <p>20 approximately 2300 hours. Also he only -- had</p> <p>21 only three of the youths with him. Evans further</p> <p>22 stated to detectives that he heard about the</p> <p>23 telephone call made to Bob and the caller wanting</p> <p>24 \$150 for each youth or the smoke.</p> <p>25 First question, did I read that</p> <p>142</p>
<p>1 accurately?</p> <p>2 A You read it accurate, yeah.</p> <p>3 Q Did you tell Detectives Rodriguez</p> <p>4 and Clark that you dropped the boys off at 11:00</p> <p>5 p.m.?</p> <p>6 A No.</p> <p>7 Q Did you --</p> <p>8 A I told --</p> <p>9 Q What -- what time did you tell</p> <p>10 Detective Rodriguez and Clark you dropped the</p> <p>11 boys off?</p> <p>12 MS. BONJEAN: Objection to form.</p> <p>13 Foundation.</p> <p>14 Go ahead.</p> <p>15 THE WITNESS: I don't remember</p> <p>16 talking to Detective Rodriguez. I don't remember</p> <p>17 that. But I know for a fact that is not the</p> <p>18 accurate statement there.</p> <p>19 BY MR. LIPSHUTZ:</p> <p>20 Q What is not accurate about it?</p> <p>21 A What is not?</p> <p>22 Q What is inaccurate about it?</p> <p>23 MS. BONJEAN: Objection. Asked and</p> <p>24 answered.</p> <p>25 You can answer again. Go ahead.</p> <p>143</p>	<p>1 THE WITNESS: It contradicts itself</p> <p>2 with the -- with the statement of the witnesses,</p> <p>3 with the --</p> <p>4 BY MR. LIPSHUTZ:</p> <p>5 Q This is your statement. What is</p> <p>6 inaccurate about it?</p> <p>7 A It wasn't correct. It's not</p> <p>8 correct.</p> <p>9 Q Yes. I -- I heard you say that.</p> <p>10 What is not correct about this statement?</p> <p>11 A The correct -- what is not correct</p> <p>12 because they're saying Lee Evans was at 342</p> <p>13 Hobson Street at that time. And all the time Lee</p> <p>14 Evans dropped the boys off was at 18th Street and</p> <p>15 Fabyan.</p> <p>16 Q So when the detectives wrote that</p> <p>17 you dropped -- that you said you dropped the boys</p> <p>18 off at 11:00 p.m., the detectives were lying?</p> <p>19 MS. BONJEAN: Objection to the form.</p> <p>20 That's an improper question. Form. Foundation.</p> <p>21 You can answer.</p> <p>22 THE WITNESS: If that's what them</p> <p>23 detectives said, yes.</p> <p>24 BY MR. LIPSHUTZ:</p> <p>25 Q That they're lying?</p> <p>144</p>

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1 A If that's in their statement and
2 they said this, yes.
3 Q Yes what? That they're lying?
4 A Yeah, they're lying.
5 Q Okay. The day after – the day
6 after the boys are disappearing, they're lying
7 about the time you dropped off the boys?
8 MS. BONJEAN: Objection. You are
9 now just harassing and this is argumentative. He
10 said it's inaccurate, and if that's what they
11 said, they're lying. He answered your question.
12 Okay?
13 MR. LIPSHUTZ: Okay. I am just
14 clearing it up.
15 MS. BONJEAN: There is nothing to be
16 cleared. He answered it.
17 BY MR. LIPSHUTZ:
18 Q Did you tell the detectives that you
19 knew about the call to Bob and that the caller
20 wanted \$150 for each youth or the smoke?
21 A No. The \$150 came from Lillie
22 Williams at the time, another mother. She came
23 to me. That's how I found about this. She came
24 to me and asked – told me about they want \$150.
25 She looked at – I said I tell you what. I will

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1 this is not correct.
2 Q This is your statement, sir.
3 MS. BONJEAN: Objection. Objection.
4 That mischaracterizes the document. This is a
5 police report that was written by somebody other
6 than Mr. Evans.
7 MR. LIPSHUTZ: That's why I am
8 asking him what is inconsistent. Did he say – I
9 want to know did they make this up.
10 MS. BONJEAN: Hold on. Objection.
11 That is speculative. He cannot get into the mind
12 of somebody else. He is saying it's incorrect,
13 and he is not going to speculate about how it got
14 to be incorrect.
15 MR. LIPSHUTZ: Okay.
16 MS. BONJEAN: Just go on. He's
17 having an issue. What is wrong with your foot?
18 THE WITNESS: It's fine.
19 MS. BONJEAN: You're sure?
20 THE WITNESS: Yeah.
21 MS. BONJEAN: Okay.
22 BY MR. LIPSHUTZ:
23 Q I am skipping a little bit forward.
24 Newark 77, Mr. Evans. Same report. It's now
25 August the 25th. Okay? Page 5 of the report.

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1 put up the \$750. Bring it to the one who said
2 it. That's what I told Lillie Williams.
3 Q Did you tell the officers –
4 A No. I didn't tell the officers.
5 That came from Lillie Williams.
6 Q Let me ask – let me finish my
7 question.
8 On August 22nd, 1978, did you tell
9 Rodriguez and Clark that you heard about the
10 telephone call made to Bob, and the caller wanted
11 \$150 for each youth or the smoke?
12 A No. No.
13 Q So the detectives lied about that in
14 1978?
15 A Yes.
16 MS. BONJEAN: Hold on. I am going
17 to object. I'm going to object to the form and
18 foundation of that question. That's an improper
19 question.
20 BY MR. LIPSHUTZ:
21 Q Okay.
22 A You saying – you're asking me if
23 the detectives lied. I didn't say the detective
24 lied. Somebody could have changed their
25 statement. That's what I am saying. All I know

148

1 Detective Scott-Bey and Hairston,
2 the undersigned – let me read it to you. The
3 undersigned responded to 342 Hobson Street. Upon
4 my arrival, we went to 342 Hobson Street. There
5 we found Lee Evans and we transported him to the
6 YAB, end quote. Did I read that accurately?
7 A Yeah. You read it accurately, yeah.
8 Q Okay. Let me continue. Quote,
9 Evans was slated for the traffic warrant.
10 Sergeant Gibson notified and responded to the
11 YAB, end quote. Did I read that accurately?
12 A Yeah. You're reading it accurately.
13 Q Evans – quote, Evans was questioned
14 after reading him his rights about the missing
15 youths by the undersigned Detective Scott-Bey and
16 Sergeant Gibson, end quote. Did I read that
17 correctly?
18 A Yes.
19 Q Evans stated on August 20, 1978, he
20 picked up Melvin Ricky Pittman, Michael McDowell,
21 and Randy Johnson early in the day and dropped
22 them off at Clinton Avenue and Fabyan Place at
23 approximately 2000 hours, which is – first of
24 all, did I read that accurately?
25 A You're reading it accurate.

1 Q And you would agree with me that 149

2 2000 hours is 6:00 p. m.; right? No, it's not.

3 It's 8:00 p.m. 2000 hours – 2000 hours is 8:00

4 p.m. Just the number itself.

5 **A It's not correct.**

6 Q Okay. Let me continue reading.

7 Evans further stated that at 2230 hours he again

8 picked up M. McDowell and drove him to East

9 Orange and then returned to Newark with him and

10 then picked up Ernest Taylor and Alvin Turner to

11 help him move some boxes to Irvington, New

12 Jersey. They drove around and in his pickup

13 truck and then he thought it was too late to move

14 boxes, and then they dropped the youths off in

15 the area of Clinton Avenue and Fabyan Place, end

16 quote. Did I read that correctly?

17 **A You are reading it correctly.**

18 Q Okay.

19 **A Reading a falsified statement**

20 **correctly.**

21 Q Did you – this is my question to

22 you, Mr. Evans. Did you tell Detective

23 Scott-Bey, Detective Hairston, and Detective

24 Gibson that you picked up M. McDowell and picked

25 up Ernest Taylor and Alvin Taylor at 2230 hours,

1 Mr. -- I'm going to put it on the record -- 151

2 Mr. --

3 **MR. LIPSHUTZ: Stop. Stop. --**

4 **MS. BONJEAN: Just speculating.**

5 **MR. LIPSHUTZ: Stop.**

6 **MS. BONJEAN: Okay.**

7 **MR. LIPSHUTZ: Stop. Send Mr. Evans**

8 **out. If you are going to do this, send him out.**

9 **Send him out.**

10 **MS. BONJEAN: Okay. Go ahead.**

11 **Mr. Evans, go ahead.**

12 **MR. LIPSHUTZ: Let him out?**

13 **MS. BONJEAN: Leave my office for a**

14 **second, would you. Go out there.**

15 **THE WITNESS: I'll step out here.**

16 **MS. BONJEAN: Okay. Yeah. Step**

17 **outside.**

18 **Okay. Thank you. I am just going**

19 **to make a record that it is an inappropriate line**

20 **of questioning to ask Mr. Evans to speculate**

21 **about whether somebody lied or didn't lie. All**

22 **he can do is answer whether it's accurate or not**

23 **accurate. You can ask him why he believes that**

24 **it was put in here. And if he gives you an**

25 **answer – but to say are you saying he lied is an**

1 which is 10:30 p.m.? Did you tell the detectives 150

2 that?

3 **A No.**

4 Q So when the detectives wrote that

5 you picked them up at 10:30 p.m., the detectives

6 were lying?

7 **A No. I didn't say the detectives was**

8 **lying. I am saying these statements here it's**

9 **falsified and documented. I don't know who put**

10 **it together.**

11 Q This report is falsified?

12 **A Yes.**

13 **MS. BONJEAN: I am going to object**

14 **to the form of that question. He didn't write**

15 **the report. He is saying it's not accurate, and**

16 **he is saying he doesn't know how it got**

17 **inaccurate.**

18 **MR. LIPSHUTZ: You know, I don't**

19 **care what you say, Ms. Bonjean.**

20 **MS. BONJEAN: Well, I care -- okay.**

21 **BY MR. LIPSHUTZ:**

22 Q Mr. Evans --

23 **MS. BONJEAN: Madam Court Reporter,**

24 **please mark -- please mark this whole line of**

25 **questioning which is entirely improper asking**

1 **inappropriate question. It would never -- it** 152

2 **would never be appropriate in a court of law.**

3 **It's not really appropriate here. That's my**

4 **objection.**

5 **MR. LIPSHUTZ: Okay. You can bring**

6 **him back in now.**

7 **MS. BONJEAN: Okay.**

8 **BY MR. LIPSHUTZ:**

9 Q You did not tell the detectives that

10 you picked him up again at 2230, 10:30 p.m.?

11 **A Absolutely not.**

12 Q And you believe that this police

13 report has been altered?

14 **A It's not what I believe. It's what**

15 **I am looking at and what happened.**

16 Q What time -- I am sorry to

17 interrupt. What time did you tell the detectives

18 that you dropped them off?

19 **A What time? I used the same time if**

20 **I told anybody the same time. I told them the**

21 **time I dropped them off at the ice cream parlor.**

22 **And I wasn't out at night at all.**

23 **And plus another thing was -- make**

24 **this very inaccurate. They giving names. I**

25 **don't even know the names. They say Randy**

<p>1 Johnson. They say, you know -- and the only two</p> <p>2 names. If they would have said Michael and</p> <p>3 Melvin, if they would have said Pittman, it would</p> <p>4 have threw me off. So they throwing names out</p> <p>5 there. That's killed that right there. You</p> <p>6 know, I know it's inaccurate because I didn't</p> <p>7 know those names.</p> <p>8 Q Okay.</p> <p>9 MR. LIPSHUTZ: I am done with this</p> <p>10 report. Why don't we take a five-minute break.</p> <p>11 (Whereupon, a recess is taken.)</p> <p>12 BY MR. LIPSHUTZ:</p> <p>13 Q Mr. Evans, can you hear me okay?</p> <p>14 A Yes.</p> <p>15 Q Okay. Great. I want to circle back</p> <p>16 a little bit. I want to talk about Philander a</p> <p>17 little bit more. Okay?</p> <p>18 You have told us he is your second</p> <p>19 cousin. I think you told me his mother's name.</p> <p>20 I thought it was Jessie. Was that right?</p> <p>21 A Yes.</p> <p>22 Q What was -- Jessie Earl? I can't</p> <p>23 read my own handwriting. What was it?</p> <p>24 A Jessie, the first name. Middle name</p> <p>25 you mean?</p>	<p>153</p> <p>1 Q What was his mother's -- what was</p> <p>2 his mother's name?</p> <p>3 A Jesse Merrell or something like --</p> <p>4 yeah.</p> <p>5 Q Merrell. Okay. And her last name?</p> <p>6 A I don't recall right off.</p> <p>7 Q Did you know her?</p> <p>8 A It could be Williams. Could be</p> <p>9 Williams.</p> <p>10 Q Did you know her?</p> <p>11 A Huh?</p> <p>12 Q Did you her?</p> <p>13 A Yeah. I knew her.</p> <p>14 Q Do you know Philander's father?</p> <p>15 A Not his father. His stepfather I</p> <p>16 knew. I know his name.</p> <p>17 Q His stepfather was Anthony?</p> <p>18 A No. Henry Lee. Henry.</p> <p>19 Q Henry Lee?</p> <p>20 A Henry Williams. I believe his last</p> <p>21 name was Williams, yeah.</p> <p>22 Q Henry Williams and Jesse Merrell.</p> <p>23 Back in 1978 was Philander living with his mother</p> <p>24 and/or stepfather?</p> <p>25 A Not his stepfather. With his</p> <p>154</p>
<p>1 mother.</p> <p>2 Q Do you remember where they were</p> <p>3 living?</p> <p>4 A Yeah. They was living on Hunterdon.</p> <p>5 Q What town was that? Is that Newark?</p> <p>6 A Yeah.</p> <p>7 Q How long -- let's talk about when</p> <p>8 the boys were missing in August of 1978. Were</p> <p>9 they living on Hunterdon?</p> <p>10 A Yeah. Yeah. Hunterdon.</p> <p>11 Q Do you know where they lived before</p> <p>12 that?</p> <p>13 A Out on Ashley Street somewhere.</p> <p>14 Ashley? I don't --</p> <p>15 Q Is that your answer?</p> <p>16 A Yes. Yeah.</p> <p>17 Q I am sorry. I was just waiting.</p> <p>18 Did you visit them?</p> <p>19 A No. Not really.</p> <p>20 Q Do you remember a time when they</p> <p>21 were living on Camden Street?</p> <p>22 A No.</p> <p>23 Q Philander said he was living on</p> <p>24 Camden Street, 256 Camden Street. You're aware</p> <p>25 of that, right?</p>	<p>155</p> <p>1 A Yes.</p> <p>2 Q Were you aware that he lived on --</p> <p>3 at 256 Camden Street?</p> <p>4 MS. BONJEAN: Objection. Asked and</p> <p>5 answered.</p> <p>6 You can answer again.</p> <p>7 THE WITNESS: No.</p> <p>8 BY MR. LIPSHUTZ:</p> <p>9 Q You didn't know that?</p> <p>10 MS. BONJEAN: Objection.</p> <p>11 MR. LIPSHUTZ: It's hard for me --</p> <p>12 MS. BONJEAN: It's argumentative.</p> <p>13 Okay? He answered it. Move -- I don't know --</p> <p>14 it's asked and answered.</p> <p>15 THE WITNESS: Okay. No.</p> <p>16 BY MR. LIPSHUTZ:</p> <p>17 Q Thank you. Had you ever been to</p> <p>18 anybody -- any relative of yours that lived at</p> <p>19 256 Camden Street?</p> <p>20 A No.</p> <p>21 Q Back in 1978 did you work with</p> <p>22 Philander?</p> <p>23 A Yes.</p> <p>24 Q What was -- what kind of work were</p> <p>25 you doing with him?</p> <p>156</p>

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1 **A Construction.**

2 Q About how long had you guys been

3 working together?

4 **A Maybe a year or so, maybe.**

5 Q Okay. Just -- so was he like an

6 assistant to you or how would you describe him?

7 **A Helper.**

8 Q He was a helper for you. Okay. I

9 want to ask you about another document, sir. I

10 will pull it up.

11 This is a document that's marked

12 Evans-7. Do you see that on your screen?

13 **A Yes.**

14 **Q It's Newark 95 through Newark 99.**

15 **Okay?**

16 **A Uh-huh.**

17 **Q I want to go back up to the**

18 **beginning, though. This is a supplemental**

19 **report, I am going represent to you, adding**

20 **information five missing juveniles. And it**

21 **begins on October 14, 1978. Okay. So about two**

22 **months after the boys went missing. Okay?**

23 **I want to ask you about an entry**

24 **from October 19, 1978. I don't know if I said**

25 **August or October. October 14, 1978, is the**

159

1 he was with Lee Evans, who is his cousin, on

2 August 20, 1978, during the day. Williams stated

3 that he worked with Evans off and on for a year,

4 end quote. Did I read that accurately?

5 **A Yes.**

6 Q Williams stated he was at Maurice

7 Olds' house on August 20, 1978, at approximately

8 1700 hours with all five of the missing boys and

9 Maurice, Darryl, Greg, and Evans. Did I read

10 that correctly?

11 **A Yeah. You read it correctly.**

12 Q Okay. Now, let's go back.

13 Williams, Philander Hampton said he was with his

14 cousin Lee Evans on August 20, 1978, during the

15 day.

16 **A Who is Williams?**

17 Q Philander Williams.

18 **A It's not Philander Williams. His**

19 **name ain't Williams. So I don't know if that's**

20 **in there. Not Williams. Really they crossing**

21 **up. Tell them if they've going to change it,**

22 **change it right.**

23 Q Mr. Evans, do you know Philander

24 Hampton's date of birth?

25 **A No. I don't know. But I know his**

158

1 first entry. And now I want to ask you about an

2 **October 19, 1978, entry. First, I am going to**

3 **read it. Okay?**

4 **On October 19, 1978, the undersigned**

5 **and Detective Scott-Bey and Detective Conte**

6 **interviewed Philander Williams, black male, 21.**

7 **Date of birth 12/4/56. Social Security number,**

8 **that's on the document. I don't want to read it**

9 **out loud. Of 271 Hunterdon Street. Phone**

10 **number, 824-0439 at YAB, end quote.**

11 **Except for the fact that I took out**

12 **his Social Security number, did I read that**

13 **accurately?**

14 **A You say you took out the Social**

15 **Security.**

16 Q Yeah. I didn't want to read the

17 Social Security number into the record. Did I --

18 did I read that sentence correctly?

19 **A You talking about Scott-Bey?**

20 **Q Yeah. I -- did I read what I -- did**

21 **I read it? That's all.**

22 **A Yeah. You read that.**

23 Q Okay. Did I read it accurately?

24 **A Yes. That's what it says.**

25 Q Next sentence says Williams stated

160

1 **name is not Williams. That's his mother's name.**

2 **That's not his name. Just Jessie Merrell**

3 **Williams, not Philander Williams.**

4 Q That is his birthday, I will

5 represent to you, December 4, 1956.

6 **A I don't know the birthday. I am**

7 **just -- you know, you're asking me a question and**

8 **I am answering.**

9 **Q I am going represent to you, Mr.**

10 **Evans, that Philander Williams is Philander**

11 **Hampton. Okay?**

12 **A I don't know. I am just saying**

13 **that's what you said.**

14 Q Do you know Philander Williams?

15 **A No. I don't know Philander**

16 **Williams.**

17 Q Okay. Do you know Philander

18 Hampton?

19 **A I know Philander Hampton.**

20 Q And Philander Hampton's mother was?

21 **A Williams.**

22 Q Right. Well, Philander Williams says

23 he worked with you on and off for a year. So you

24 don't know a person named Philander Williams who

25 worked on and off with you for a year?

161

1 **A** Philander Hampton. If that's

2 **Philander Hampton, that's where we at. But it's**

3 **not Philander Williams. That's out.**

4 **Q** I am going to represent to you that

5 **this person, Philand Williams, is your second**

6 **cousin, Philander Hampton. Okay?**

7 **A** He was never a Williams. He always

8 was a Hampton.

9 **Q** Philand Williams stated that he was

10 at Maurice Olds's house at 5:00 p.m. with all

11 five of the missing boys and Maurice, Darryl,

12 Greg, and you.

13 **A** **That's incorrect.**

14 **Q** I asked you earlier in this

15 deposition if you had been with Philander Hampton

16 at all that day, and you had said you were not

17 with him at all that day; correct?

18 **A** **Correct. That's why I say right now**

19 **this statement is incorrect.**

20 **Q** Okay. What is incorrect about this

21 statement?

22 **A** **What is incorrect?**

23 **Q** Yes.

24 **A** **You said that I was there.**

25 **Q** I am not saying it.

163

1 **Q** Okay. I am just asking you about

2 this statement here.

3 **A** **I said that's incorrect.**

4 **Q** Okay. And it's incorrect because

5 you were not with your two cousins, your second

6 cousin, and all five of the missing boys at 1700

7 hours at Maurice Olds's house?

8 **A** **Correct.**

9 **Q** Okay.

10 Now, continuing. Mr. Philand

11 Williams stated – let me read it first. Quote,

12 Williams stated they talked about going to the

13 park to play basketball. Williams stated he left

14 the porch and went to Clinton Avenue to get some

15 sodas, and when he returned to the Olds' porch

16 he, Maurice, Ricky, Michael, and Randy got on

17 Evans' truck and he drove to Vailsburg Park, end

18 quote.

19 First question, did I read that

20 accurately?

21 **A** **Yeah. You read it accurately.**

22 **Q** Okay. Did you take Maurice, Ricky,

23 Michael, Randy on your truck to Vailsburg Park?

24 **A** **What day that was? That was the**

25 **20th, the same day; right?**

162

1 **A** **The statement. You said – we**

2 **talking about the statement.**

3 **Q** I want to be very clear.

4 MS. BONJEAN: The report –

5 BY MR. LIPSHUTZ:

6 **Q** The report says Mr. Philand Williams

7 said he was at Maurice Olds's house on August 20,

8 1978, at 1700 hours with all five of the missing

9 boys and Maurice, your cousin, Darryl, your

10 cousin, Greg, and you. Were you with your two

11 cousins, Philander Hampton, and all five of the

12 missing boys at 1500 – 1700 hours at Maurice

13 Olds's house on August the 20th, 1978?

14 **A** **That's not correct.**

15 **Q** This statement – okay.

16 **A** **Also –**

17 **Q** Okay.

18 **A** **– cross-reference. If you need a**

19 **cross-reference on that, we got that too.**

20 **Q** I am sorry. What does that mean, if

21 I need –

22 **A** **Cross-reference in your – in your**

23 **discovery. If you go to Roger Taylor, he claimed**

24 **they all was in the park playing. You go to each**

25 **one of them. They was together.**

164

1 **Q** That's correct.

2 **A** **We did go there early in the**

3 **morning. That was in the morning. I remember**

4 **that.**

5 **Q** Maurice, Ricky, Michael, and Randy?

6 **A** **I don't know. No. Not names. I**

7 **know it was Maurice and Ricky and Michael. I**

8 **don't know who else was there. They – who was**

9 **there. Definitely early in the morning, because**

10 **I had did a job across the street. I finished it**

11 **but we came back early.**

12 **Q** What job did you do early in the

13 morning?

14 **A** **No. Finished job. It was across**

15 **the street at 57 Fabyan Place.**

16 **Q** And when you say early in the

17 morning, what time is that?

18 **A** **About 7:00.**

19 **Q** 7:00 a.m.?

20 **A** **Yes. 7:00 p.m. I finished the job.**

21 **Q** So when did you go to Vailsburg

22 Park?

23 **A** **We went there around about – it had**

24 **to be 8:00, 8:30, something like that. It was in**

25 **the morning.**

1 Q Oh, so you had seen Maurice, Ricky, 165
2 Michael at 7:00 or 8:00 that morning?
3 **A That morning.**
4 Q You didn't tell me about that
5 earlier.
6 **A When? You never asked that.**
7 Q Okay.
8 **A You said after.**
9 Q So you saw some of the missing boys
10 at 8:00 that morning?
11 **A Yeah. You asked me after – after**
12 **3:00 did I see these people. That's what you**
13 **asked me.**
14 Q The transcript will show.
15 **A All right.**
16 Q Quote, Williams stated when they got
17 to the park, other guys were on the basketball
18 court, and they did not get a chance to play.
19 Williams stated some guys in the park wanted to
20 start a fight, and they got back on the truck and
21 left the park. And Evans then dropped him off at
22 the house at about 1900 hours, end quote. Did I
23 read it accurately?
24 **A Yeah. You read it accurate, but**
25 **that's not correct.**

1 you control yourself. This is a little 167
2 ridiculous. Okay?
3 BY MR. LIPSHUTZ:
4 Q Williams stated when they got --
5 quote, Williams stated when they got to the park,
6 other guys were on the basketball court, and they
7 did not get a chance to play. Williams stated
8 some guys in the park wanted to start a fight,
9 and they got back on --
10 MS. BONJEAN: Objection to the --
11 you've already read this. Please just ask a
12 question.
13 BY MR. LIPSHUTZ:
14 Q Was Philander Hampton with you?
15 MS. BONJEAN: Objection. Asked and
16 answered. He answered.
17 THE WITNESS: The statement is not
18 correct. The statement is not correct. This
19 statement is not correct.
20 BY MR. LIPSHUTZ:
21 Q So Philander Williams said you, Mr.
22 Evans, went to the --
23 MS. BONJEAN: Objection. You are
24 continuing to read what we already read.
25 MS. BONJEAN: I am asking him a

1 Q My first question did I read it 166
2 accurately?
3 **A Yes. You read it accurately.**
4 Q 1900 hours is 7:00 p.m. What is
5 inaccurate about that statement?
6 **A First of all, you said Williams.**
7 **You're talking about Philander Hampton. He**
8 **wasn't there. He wasn't there. And the time**
9 **wasn't – is not correct. It was in the morning.**
10 **Like I said, it was morning.**
11 Q It was morning when you and
12 Philander went to the basketball court at
13 Vailsburg Park?
14 **A Philander wasn't there with us.**
15 **When you say – you calling Williams Philander,**
16 **but that's not – he wasn't there. He didn't**
17 **even go to the park.**
18 MS. BONJEAN: Is there something
19 funny, Mr. Lipshutz?
20 MR. LIPSHUTZ: Well, yes. It's
21 funny. It is funny to me.
22 **MS. BONJEAN: What's funny? What is**
23 **so funny?**
24 **MR. LIPSHUTZ: Okay.**
25 MS. BONJEAN: I am going to ask that

1 question. 168
2 MS. BONJEAN: You are reading --
3 reading. You have already read it. You've asked
4 and answered it. I know you don't know like the
5 answer --
6 MR. LIPSHUTZ: It's a different
7 question.
8 MS. BONJEAN: -- but he answered it.
9 MR. LIPSHUTZ: The answer is fine.
10 BY MR. LIPSHUTZ:
11 Q Mr. Evans, Philander Williams says
12 you went to Vailsburg Park. You have agreed that
13 you went to Vailsburg Park; right?
14 **A Philander wasn't there. Philander**
15 **wasn't there.**
16 Q Okay.
17 **A The information that I gave to the**
18 **parents, and they – you put Philander in there,**
19 **Williams in there, whoever he is. I don't know.**
20 Q Okay. All I am saying is Philander
21 Williams says you went to Vailsburg Park, and you
22 have agreed that you went to Vailsburg Park;
23 correct?
24 MS. BONJEAN: Okay. I am going to
25 object.

1 First of all, assumes facts not in 169
 2 evidence. You're asking him to agree that
 3 Philander said something that he has no way of
 4 knowing whether Philander said this.
 5 MR. LIPSHUTZ: Okay.
 6 MS. BONJEAN: It's a police report.
 7 MR. LIPSHUTZ: Objection to form is
 8 what you can object to. You're not going to --
 9 MS. BONJEAN: You're not going to do
 10 anything actually. You can continue to threaten
 11 me all you want, but you're not --
 12 MR. LIPSHUTZ: I am not threatening
 13 you. You can coach him all you want.
 14 MS. BONJEAN: I'm not coaching.
 15 BY MR. LIPSHUTZ:
 16 Q Mr. Evans --
 17 MS. BONJEAN: I don't -- geez.
 18 Coaching? As if I could coach him. Go ahead,
 19 ask your question.
 20 BY MR. LIPSHUTZ:
 21 Q Mr. Evans, you went to Vailsburg
 22 Park; correct?
 23 A **That's the statement I made.**
 24 Q Right. And you returned and dropped
 25 people off at 1900 hours.

1 **MS. BONJEAN: Yeah. Yeah. Okay.** 171
 2 **Mr. Lipshutz --**
 3 **MR. LIPSHUTZ: You said it, not her.**
 4 **MS. BONJEAN: -- are you -- we are**
 5 **not going to do this. We are not going to that.**
 6 **Okay?**
 7 BY MR. LIPSHUTZ:
 8 Q My next question is -- my next
 9 question is, did you drop Philander Williams off
 10 at 1900 hours?
 11 MS. BONJEAN: It was asked and
 12 answered.
 13 You can answer again.
 14 **THE WITNESS: No.**
 15 BY MR. LIPSHUTZ:
 16 Q **Were you with Maurice -- your cousin**
 17 **Maurice and Darryl at the Olds' house on August**
 18 **20, 1978? Were you with your cousins?**
 19 A **No.**
 20 Q Okay. Were you with all five of the
 21 missing boys at the house?
 22 A **No.**
 23 Q **All of this is incorrect as to you?**
 24 MS. BONJEAN: Objection to the form
 25 of that question. All of it? What is all of it?

1 **A No. That's not correct.** 170
 2 Q That's not correct?
 3 **A No.**
 4 Q 7:00 p.m.?
 5 MS. BONJEAN: Objection. What are
 6 you doing? You just -- we have already
 7 determined 7:00 p.m. Is there a question?
 8 MR. LIPSHUTZ: Yes.
 9 **MS. BONJEAN: Stop harassing him and**
 10 **ask questions. This isn't -- this isn't your**
 11 **moment in the sun on a cross-examination. Just**
 12 **ask your question. Okay?**
 13 **MR. LIPSHUTZ: Okay. Thank you.**
 14 **MS. BONJEAN: You know he's**
 15 **acquitted of this offence. I know you feel like**
 16 **you got a smoking gun here. But just ask the**
 17 **questions and keep going.**
 18 **MR. LIPSHUTZ: O.J. Simpson was**
 19 **acquitted too.**
 20 **BY MR. LIPSHUTZ:**
 21 Q Mr. Evans --
 22 MS. BONJEAN: I'm going to -- you're
 23 saying O.J. Simpson was acquitted too?
 24 **THE WITNESS: He is saying I am**
 25 **guilty?**

1 MR. LIPSHUTZ: I will rephrase my 172
 2 question.
 3 MS. BONJEAN: Form. Foundation.
 4 BY MR. LIPSHUTZ:
 5 Q Mr. Evans, did you murder these five
 6 boys?
 7 A **I think you would be guilty before I**
 8 **would be.**
 9 Q Mr. Evans, did you murder these five
 10 boys?
 11 A **No.**
 12 Q **Did you take them to 256 Clinton**
 13 **Avenue? Is that right? Clinton -- did I say**
 14 **that right? Camden Street, excuse me. Did you**
 15 **take them to 256 Camden Street?**
 16 A **No.**
 17 Q Did you put them in a closet and
 18 lock the door?
 19 A **No.**
 20 Q Or nail the door shut?
 21 A **No. And it's cross-reference with**
 22 **that also.**
 23 MS. BONJEAN: Just answer the
 24 questions.
 25 BY MR. LIPSHUTZ:

1 Q Did you -- did you -- did you light 173
2 the house on fire?
3 **A No.**
4 Q Did you -- you didn't murder these
5 five boys?
6 **MS. BONJEAN: Okay. You are now --**
7 **okay. Mr. Lipshutz -- okay. Mr. Lipshutz, you**
8 **are not -- he answered it. Okay. And now you're**
9 **harassing him. Okay? And -- and he will answer**
10 **it again, but it will be the last time.**
11 **Okay. You can answer that question.**
12 **I think he asked you if you murdered them.**
13 **THE WITNESS: No. No. You know the**
14 **truth. All them papers you gave me, it ain't**
15 **good enough. The same thing you talked about**
16 **Philander. The same thing he gave you --**
17 **MS. BONJEAN: Okay. Stop. Stop.**
18 **Just stop. Okay. You have been acquitted.**
19 **THE WITNESS: Yes.**
20 **MS. BONJEAN: Okay. It doesn't**
21 **matter what this guy thinks.**
22 **THE WITNESS: No. He don't -- he**
23 **know the truth. He think that.**
24 **MS. BONJEAN: Okay.**
25 **THE WITNESS: His -- his job is just**

1 them to Vailsburg Park, where did you get them 175
2 from?
3 **MS. BONJEAN: Objection. That's**
4 **like asking --**
5 **MR. LIPSHUTZ: Can you just object**
6 **to the form?**
7 **MS. BONJEAN: No.**
8 **MR. LIPSHUTZ: It a question.**
9 **MS. BONJEAN: Stop trying to trick**
10 **him. Stop with your unethical behavior. He**
11 **never -- stop mischaracterizing his testimony.**
12 **Go ahead.**
13 **BY MR. LIPSHUTZ:**
14 Q When you picked up the boys and took
15 them to Vailsburg Park, where did you get them
16 from?
17 **A Fabyan Place.**
18 Q The same place you picked them up at
19 noon?
20 **A No. It was across the street there,**
21 **the opposite side of the street.**
22 Q Mr. Evans, can you tell me what the
23 nonprofit Museum of Life or Death is?
24 **A It was a skill center was put**
25 **together.**

1 **to make the truth out of a lie. That's his job.** 174
2 **MS. BONJEAN: Okay. Okay. So he**
3 **answered your question. Do you have anything**
4 **else?**
5 **MR. LIPSHUTZ: Yeah, I do.**
6 **MS. BONJEAN: Okay. Then go ahead**
7 **and ask.**
8 **MR. LIPSHUTZ: I just want to -- I**
9 **just -- I see Mr. Evans is upset. I want to know**
10 **-- I mean is he crying? I can't help him here.**
11 **MS. BONJEAN: You stop. Okay.**
12 **Yeah. People -- you're right. Thank you. That**
13 **usually causes emotional trauma when people are**
14 **falsely accused of crimes. That's how it works.**
15 **MR. LIPSHUTZ: I just asked if he**
16 **was crying?**
17 **MS. BONJEAN: Okay. Okay. What are**
18 **you doing? What are you doing? Ask your next**
19 **question. He is okay. Okay?**
20 **MR. LIPSHUTZ: Okay.**
21 **MS. BONJEAN: He is a grown man. He**
22 **will pull it together. Now start asking**
23 **questions. Let's go.**
24 **BY MR. LIPSHUTZ:**
25 Q When you picked up the boys and took

1 Q I didn't hear your answer. 176
2 **A It was --**
3 Q A little louder. I'm sorry. Or
4 come a little closer.
5 A It was a counseling and a skill
6 center that we were putting together.
7 Q Counseling?
8 **A And a skill center.**
9 Q Was it religious?
10 **MS. BONJEAN: Counseling and skill.**
11 **I don't know if you heard that, and skill center.**
12 **THE WITNESS: It's not religion.**
13 **It's transformation of consciousness.**
14 **BY MR. LIPSHUTZ:**
15 Q What does that mean? I am sorry. I
16 am ignorant about that. What does that mean,
17 transformation of consciousness?
18 **A What it means happened to your**
19 **subconscious mind.**
20 Q Why did you put that together?
21 **A Why?**
22 Q Yeah.
23 A That was a revelation.
24 Q Was it something that you put
25 together, I should say?

177

1 **A** **Yeah. Through the revelation.**

2 Q Was this before you were accused of

3 homicides or after?

4 **A** **When you say accused, what do you**

5 **mean? 2010 or '78.**

6 Q I'll tell you what, let me -- let me

7 rephrase the question. When did you put together

8 the Museum of Life or Death?

9 **A** **'89.**

10 Q '89?

11 **A** **Yeah. '89.**

12 Q I want to show you a picture, sir.

13 This is marked Evans-9. Can you see it?

14 **A** **Yes.**

15 Q Is that your van?

16 **A** **Yes.**

17 **Q** **Okay. And you say you put this**

18 **together in -- oh, I'm sorry. Hold on a second.**

19 **You said you put this together in 1989?**

20 MS. BONJEAN: I am going to object.

21 What is the "this"? The van or the -- or the

22 skill center?

23 MR. LIPSHUTZ: Sure.

24 BY MR. LIPSHUTZ:

25 Q You say you put the skill center

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1 MS. BONJEAN: Why are you arguing

2 with him?

3 THE WITNESS: Yeah. You're right.

4 BY MR. LIPSHUTZ:

5 Q I am going to show you, sir, a

6 document Evans-2, which I have shown you before,

7 which is the interrogatories to you. I am going

8 to show you question number five. This question

9 asks you -- first of all, can you see it on the

10 screen, sir?

11 **A** **Yes.**

12 **Q** **This question asks you about your**

13 **personal injuries and all the complaints of any**

14 **nature whatsoever. Okay? This is about injuries**

15 **and complaints. Okay?**

16 **Now, I want to show you, sir,**

17 **Evans-1. Can you see this? This is your Answers**

18 **to Interrogatories, Evans-1? Do you see that?**

19 **A** **Yes. I see Evans-1.**

20 Q I am going to show you the answer to

21 question five. Question five was, again, tell us

22 about your injuries. And I want to show you the

23 first paragraph and I'm going to read it to you,

24 portions.

25 Because he was falsely charged with

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1 together in 1989?

2 **A** **Correct.**

3 Q Was it abandoned at some point and

4 reinstated?

5 **A** **Yes.**

6 Q When was it abandoned?

7 **A** **It just was dormant, you know, and**

8 **then I reinstated it.**

9 Q When did you reinstate it?

10 **A** **Had to be in -- I'm not for sure.**

11 Q Would it be accurate to say that you

12 reinstated the Museum of Life or Death because

13 you were charged with the murder of the five

14 boys?

15 **A** **How is that? That was -- yeah.**

16 **That was put together way before that. How could**

17 **you say something like?**

18 Q I am asking you. Would it be

19 accurate to say that you reinstated the Museum of

20 Life or Death because you were accused with the

21 murder of five boys?

22 **A** **That was 2010 when I was accused.**

23 MS. BONJEAN: Just answer his

24 questions.

25 **THE WITNESS: No. It's not correct.**

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1 the murder of five boys, his reputation in the

2 community was injured. Plaintiff reinstated a

3 nonprofit museum -- a nonprofit called Museum of

4 Life or Death. In 2009 the nonprofit was funded

5 by the plaintiff. Did I read those portions

6 accurately?

7 **A** **You read it accurately, yes.**

8 Q Okay. These are your answers to

9 interrogatories. Is this incorrect?

10 **A** **That's incorrect, yeah.**

11 Q Okay. What is incorrect about it?

12 **A** **The truck is 2006.**

13 Q I didn't ask you about the truck.

14 What is incorrect --

15 **A** **Everything.**

16 Q What is inaccurate about the

17 interrogatory answers, I'm asking.

18 **A** **Everything. The year. It was way**

19 **before this here. Didn't have nothing to do with**

20 **the arrest.**

21 Q I am just confused. It says here

22 because he was falsely charged with the murder of

23 five boys, his reputation in the community was

24 injured. Plaintiff reinstated a nonprofit museum

25 called Museum of Life or Death.

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1 Are you saying that the
2 reinstatement of the nonprofit had nothing to do
3 with the charges against you?
4 MS. BONJEAN: Okay. I am going to
5 object. There is nothing about this –
6 objection. You're – I don't – I don't even
7 know what you're trying to get at, but you're
8 mischaracterizing, I guess, in some way. You're
9 making an assumption that's just not there. But
10 go ahead ask your question.
11 BY MR. LIPSHUTZ:
12 Q Did the reinstatement of the Museum
13 of Life or Death have anything to do with you
14 being arrested or charged with the murder of five
15 boys?
16 MS. BONJEAN: He already answered
17 that. Asked and answered.
18 BY MR. LIPSHUTZ:
19 Q I didn't hear your answer, sir.
20 A No.
21 Q One more second. Hold on. I want
22 to show you a document I marked as Evans-10. Do
23 you see this on the screen, sir?
24 A Yes.
25 Q Do you see the stamp that says

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1 BY MR. LIPSHUTZ:
2 Q I am a little confused about
3 Vailsburg Park. You picked up the boys at around
4 Fabyan Place. I think you said around 8:30.
5 What -- what time did you pick them up? I am
6 sorry.
7 A Early.
8 Q Early?
9 A I was there -- I was at Fabyan Place
10 at 6:30. I was over at 57 Fabyan Place. I know
11 that.
12 Q I am sorry. When did you take them
13 to the Vailsburg Park?
14 A That was -- that's the same morning.
15 Q I know. What time, sir?
16 A It had to be around maybe 8:00. You
17 know, before -- you know, it wasn't late. It was
18 early because all I had to do -- from where I was
19 working I know -- and then we came. They brought
20 up basketball and then they started talking. I
21 say, okay, we will go.
22 Q And I guess I was confused. Who was
23 with you that you took to Vailsburg Park?
24 A Repeat that.
25 Q Who was with you when you took them

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1 Evans-10?
2 A Yes.
3 Q Okay. I am going to represent to
4 you that this was a card that was in the
5 prosecutor's file at the Essex County
6 Prosecutor's Office. It's two pages long. I am
7 going to show you.
8 Have you ever seen this -- let me
9 show you the whole thing. Have you ever seen
10 this card before?
11 A The first time I seen it was
12 Tuesday.
13 Q Tuesday of this week?
14 A This week.
15 Q Okay. Did you send this card to the
16 prosecutors?
17 A No.
18 Q Okay.
19 MR. LIPSHUTZ: I am just going to
20 give you -- I am going to ask for about two
21 minutes because I may be done. Okay? So just
22 give me two minutes, please.
23 (Whereupon, a recess is taken.)
24 MR. LIPSHUTZ: I really only have a
25 few more questions, I promise.

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1 to Vailsburg Park?
2 A Mike -- I know Mike and Melvin, they
3 was there. And it was -- I'll say Rodney.
4 Rodney, he is not part of the five, but he was
5 living across the street. And I don't know if it
6 was maybe -- it was a group of them because it
7 was -- two of them in front and the rest of them
8 got in back of the truck.
9 Q What about -- I am not sure if I
10 asked.
11 What about your cousins Maurice and
12 Darryl? Did you take them to the Vailsburg Park?
13 A I don't think Darryl. I don't think
14 so. I don't -- I think Maurice. I don't think
15 Darryl.
16 Q So can you just clear up -- clarify
17 your answer to me. You -- you're not sure if you
18 took Darryl. Do you recall --
19 A I don't recall Darryl.
20 Q Do you recall taking Maurice?
21 A Yes.
22 Q Okay. Now, the last question is
23 when did you drop them off? Not the last
24 question, the last topic. When did you drop them
25 off?

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1 **A** **About maybe – roughly it would have**
2 **been – it was before – about 9:30, something**
3 **like that. 9:30, something like.**
4 Q About 9:30, 10:00 did you say?
5 **A** **About 9:30.**
6 Q And I think you told me you dropped
7 them off at Fabyan Place as well?
8 **A** **Yeah.**
9 Q And I guess I am confused as to
10 where you went between 9:30-ish and when you came
11 back at noon.
12 **A** **When I came back?**
13 Q Well, where did you go between?
14 **A** **I went home.**
15 Q What is home?
16 **A** **I went to Clinton Avenue.**
17 Q Okay. In Irvington?
18 **A** **Right.**
19 Q Okay.
20 MR. LIPSHUTZ: All right. Mr.
21 Evans, I don't have any questions further at this
22 point.
23 At this point now the other
24 attorneys get to ask you questions. I may have
25 some follow-up on what they ask you later. Thank

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1 Q Okay. So is it a corner lot?
2 **A** **Yes.**
3 Q What are the two streets that make
4 up the intersection where that lot is located?
5 **A** **The opposite side is Fabyan Place**
6 **and then you got Clinton Avenue.**
7 Q Okay. So the intersection would be
8 Fabyan Avenue and Clinton?
9 **A** **You said the intersection where the**
10 **lot – the corner lot?**
11 Q Yeah. So an intersection is when
12 two lines come together; right? I am just trying
13 to understand the names of the two roads that
14 make the intersection that is the corner where
15 the ice cream shop was located.
16 **A** **Oh, 18th – 19th and 18th, but it's**
17 **on the corner of 18th.**
18 Q Okay. And 18th and Fabyan?
19 **A** **No. 18th and Fabyan is the same**
20 **street. It's a – Fabyan is a continuation of**
21 **18th Street once you pass Clinton Avenue.**
22 Q Okay. So what is the other street
23 that makes up the intersection?
24 MS. BONJEAN: The intersection?
25 **THE WITNESS: Clinton Avenue and**

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1 you very much.
2 MR. DiFRANCESCO: I have no
3 questions for you, Mr. Evans. Thank you very
4 much.
5 CROSS-EXAMINATION
6 BY MR. KASSIS:
7 Q I am just going to ask him
8 questions. Mr. Evans, I represent Lieutenant
9 Carrega.
10 You testified about the ice cream
11 parlor that you dropped the boys off the last
12 time you saw them. Do you remember the name of
13 that ice cream shop?
14 **A** **No.**
15 Q Do you know the specific address
16 where it was located?
17 **A** **There is a lot now, right on the**
18 **corner of 18th and Clinton Avenue. The other**
19 **side of Clinton Avenue is 18th Street.**
20 Q Okay. So you believe that ice cream
21 shop – I assume it's not there today. Correct?
22 **A** **It's a lot, a parking lot. It's**
23 **just a lot, not a parking lot.**
24 Q Okay.
25 **A** **Vacant lot.**

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1 **18th Street.**
2 MS. BONJEAN: Clinton. So he said
3 Clinton and 18th. I don't know how many more
4 times. Right?
5 THE WITNESS: Yeah.
6 MS. BONJEAN: Is that what you're
7 asking?
8 MR. KASSIS: Yeah. Thank you.
9 MS. BONJEAN: Okay.
10 MR. KASSIS: I appreciate that.
11 BY MR. KASSIS:
12 Q A little confusion. I wasn't sure
13 why you were using – thank you. You cleared it
14 up. Okay. Great. Are you right-handed or
15 left-handed?
16 **A** **Right.**
17 Q Now, I want to just focus your
18 attention a little bit on the – on this
19 marijuana. I think you told me that there was
20 two pounds of marijuana that went missing from
21 your apartment; correct?
22 **A** **Yeah.**
23 Q And that apartment – I'm sorry?
24 **A** **Estimated, yeah.**
25 Q **Estimate. Okay. Fair enough. And**

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1 that apartment was the 979 Clinton Avenue;
 2 correct?
 3 A Correct.
 4 Q Do you know what the street value of
 5 the marijuana was at that time? I know we threw
 6 around \$750 because we multiplied 150 by 5. But
 7 do you know what the street value of that -- of
 8 that drug was at that time?
 9 MS. BONJEAN: I am going to object
 10 to the editorializing about the 150. I don't
 11 know what that had to do with street value.
 12 But go ahead. You can answer. Do
 13 you know what the street value was of it?
 14 THE WITNESS: Of the marijuana?
 15 MS. BONJEAN: Yeah.
 16 THE WITNESS: No. Not really. I
 17 don't know the street value.
 18 BY MR. KASSIS:
 19 Q Okay. And I respect. Can you --
 20 are you able to approximate what the street value
 21 was of the marijuana?
 22 A I can tell you what it was going
 23 through me, you know. No. It was like a couple
 24 hundred dollars, 250.
 25 Q So 250 for the -- for the

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1 Q He gave it to you on credit?
 2 A Yeah. We was doing jobs together
 3 also.
 4 Q So was the idea to pass it along to
 5 the next person and then when you got the cash
 6 pay him, the Italian individual the cash?
 7 A Yes. Give him his part back, his
 8 money back.
 9 Q Okay. So you basically owed the
 10 Italian man money for the marijuana that was
 11 stolen; correct?
 12 A Yeah. But I didn't have no problem
 13 with him like that.
 14 Q Okay. I am not suggesting you did.
 15 How much did he want to be paid for the two
 16 pounds of marijuana that you obtained from him?
 17 A What you mean?
 18 Q How much were you -- how much were
 19 you going to give him for the marijuana once it
 20 was sold or whatever you were going to do with
 21 it?
 22 A How much I was going to give him?
 23 Q Yes. The Italian individual.
 24 A Oh, I would give him \$400.
 25 Q Okay. So were you intending to make

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1 approximately two pounds of marijuana was the
 2 street value?
 3 A No. Each.
 4 Q Each pound?
 5 A Yeah.
 6 Q So \$500?
 7 A Yeah.
 8 Q Okay. Now, when you -- when you --
 9 when you obtained the marijuana, I think you
 10 referenced something about an Italian individual
 11 that you knew when you worked jobs at
 12 Meadowlands. Is that right?
 13 A Right.
 14 Q Is that the individual who you --
 15 who you obtained the marijuana from?
 16 A Through him, yeah.
 17 Q What was your intent -- what were
 18 you going to do with that marijuana?
 19 A I was Passing it off to another
 20 party.
 21 Q Okay.
 22 Okay. Did you -- did you pay this
 23 Italian individual for the marijuana or did he
 24 give it to you on credit?
 25 A Yeah. Just give it to me, you know.

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1 a profit of \$100?
 2 A I guess in between.
 3 Q And who were you going to pass off
 4 the drugs to?
 5 A The marijuana to?
 6 Q Yes.
 7 A It was a close friend of the family.
 8 He's -- his name is Eddie Gibson. He was working
 9 at the airport. He was a pipefitter.
 10 Q Sorry. Do you know what Eddie's
 11 intentions were with the drugs? Was he going to
 12 distribute them? Was he going to use them
 13 himself?
 14 A I don't know.
 15 MS. BONJEAN: Objection. I said
 16 hold on. Objection to the form, foundation of
 17 that question.
 18 BY MR. KASSIS:
 19 Q Okay. Do you know what he was going
 20 to do with them?
 21 A I don't know.
 22 Q Okay. Were you intending on using
 23 any of those five boys that went missing to
 24 distribute the marijuana?
 25 A No.

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1 Q The five boys that went missing, had
2 they ever been – other than on August 20, 2000
3 – I'm sorry – 1978, had the boys ever been in
4 your apartment located at 979 Clinton Avenue?
5 MS. BONJEAN: Objection. That,
6 again, assumes facts not in evidence.
7 BY MR. KASSIS:
8 Q Fair enough. Fair enough. Let me
9 do this. On the day that the boys went missing,
10 I know they helped you move boxes from one
11 location to the other. Did they actually go into
12 your house located at 979 Clinton Avenue?
13 A No.
14 Q Okay. Had the boys ever been inside
15 the apartment that you occupied located at 979
16 Clinton Avenue?
17 A No.
18 Q Where was – where did you store
19 that two pounds of marijuana in your apartment
20 when -- before it went missing?
21 A I had it in a closet temporary, you
22 know.
23 Q In a closet?
24 A Yeah.
25 Q Was the closet locked?

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1 to have drugs or sell drugs or store drugs in
2 your apartment?
3 MS. BONJEAN: Objection to form.
4 Foundation.
5 You can answer.
6 THE WITNESS: No.
7 BY MR. KASSIS:
8 Q Did you ever mention to any of the
9 five boys that -- that you had marijuana?
10 A No.
11 Q When you left your apartment, was it
12 your habit to lock the door behind you?
13 A Yes.
14 Q And I think you said earlier to some
15 of Mr. Lipshutz's questioning that there was no
16 evidence of a break-in. Correct?
17 A Correct.
18 Q And that -- that leads you to -- to
19 theorize that whoever entered the apartment had
20 the key; correct?
21 A Correct.
22 Q Other than the super, did anybody
23 else have a key to that apartment?
24 A No.
25 Q How long were the -- how long were

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1 A No. It wasn't locked, no.
2 Q You told me that -- actually, you
3 told Mr. Lipshutz you lived with your wife in
4 that apartment; correct?
5 MS. BONJEAN: Objection. Misstates
6 the testimony.
7 You can answer.
8 THE WITNESS: At the time, no.
9 BY MR. KASSIS:
10 Q Okay. She was living at her
11 parents' house?
12 A At that time, yes.
13 Q Understood. So the only person in
14 that apartment was you; correct?
15 A Correct.
16 Q Did you know who took the marijuana?
17 A No. Not really, but I had theories
18 that the super had a -- you know, he had the --
19 he had access to the apartment. Could go in and
20 out.
21 Q Did you ever tell the super you had
22 marijuana or you kept two pounds of marijuana in
23 your apartment?
24 A No.
25 Q Okay. Did the super ever know you

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1 the drugs in that closet before -- how long were
2 the drugs stored in that closet before they went
3 missing, if you know?
4 A I don't know. I don't know.
5 Q Because you don't know when they
6 went; missing correct?
7 A Correct.
8 Q How long -- let me ask you this.
9 Can you estimate for me how long the drugs were
10 in that apartment prior to August 20, 1978?
11 A Repeat that.
12 Q Do you know how long the drugs were
13 in the apartment prior to August 20, 1978?
14 MS. BONJEAN: Objection. Asked and
15 answered.
16 You can answer again.
17 THE WITNESS: I don't know.
18 BY MR. KASSIS:
19 Q Okay. You don't know when you -- so
20 let me see if I can create a foundation here.
21 Do you know when you purchased -- or
22 obtained, rather, the drugs from the Italian
23 person in the Meadowlands?
24 A Yeah.
25 Q Okay. How long before August 20,

<p>1 1978, did you obtain the drugs from the Italian 2 individual? 3 A It might have been a week. Could 4 have been a week or something. 5 Q A week to what? 6 A I am not for sure accurate, but it 7 could have been a week – between a week or 8 better, you know. 9 Q Did you ever confront the 10 superintendent about the drugs? 11 A No. 12 Q What is the superintendent's name? 13 A I don't know. 14 Q Why didn't you confront him about 15 it? 16 A Because I wasn't 1,000 percent sure. 17 If you don't – if you're not for sure, you know, 18 you don't confront somebody. You can believe 19 something. Then you have to just go with it, you 20 know, but you don't accuse somebody if you're not 21 100 percent. 22 Q Just last line of questioning. 23 I know we talked about the general 24 contractor back in 1978. Did you have any 25 equipment that required gasoline to operate?</p>	<p>197 1 MS. BONJEAN: Objection. 198 2 BY MR. KASSIS: 3 Q Other than a vehicle, other a truck? 4 A No. 5 MR. KASSIS: Okay. I don't have 6 anything further. 7 MR. LIPSHUTZ: Is it back to me now? 8 I don't have anything else. I didn't know if you 9 had anything, Ms. Bonjean. 10 MS. BONJEAN: I don't. 11 MR. LIPSHUTZ: Okay. Thank you. 12 (The deposition is adjourned at 13 2:24.) 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>1 CERTIFICATE 199 2 I, JACQUELINE ZAMMATARO, a Notary Public and 3 Certified Court Reporter of the State of New 4 Jersey, License No. XI01142, do hereby certify 5 that prior to the commencement of the 6 examination, the witness was duly sworn by me to 7 testify to the truth, the whole truth and nothing 8 but the truth. 9 I DO FURTHER CERTIFY that the foregoing is a 10 true and accurate transcript of the testimony as 11 taken stenographically by and before me on the 12 date and at the place aforementioned. 13 I DO FURTHER CERTIFY that I am neither a 14 relative to nor employee of, nor attorney or 15 counsel for any of the parties to this action; 16 and that I am neither a relative to nor employee 17 of such attorney or counsel; and that I am not 18 financially interested in the action. 19 <i>Jacqueline Zammataro</i> 20 Jacqueline Zammataro, C.C.R. 21 Notary Public of the State of 22 New Jersey, Notary No. 50126074 23 24 Dated: 4/1/21 25</p>	

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EXHIBIT D

SUPERIOR COURT OF NEW JERSEY
ESSEX COUNTY, HOMICIDE SQUAD
INDICTMENT NO.
PROSECUTOR NO.
CASE NO. S-23-01
CC #

✓ = Correction
needed

IN THE)	
)	
MATTER OF)	TRANSCRIPT
)	of
INVESTIGATION OF THE)	INTERVIEW OF
)	PHILANDER HAMPTON
DISAPPEARANCE OF)	
)	
R.J., ET AL.)	

Place: State Police Barracks
Newark, NJ

Date: November 13, 2008

TRANSCRIPT ORDERED BY:

GREGORY DE MATTIA, ESQ., (Essex County
Prosecutor's Office, 50 West Market Street,
Newark, New Jersey 07102)

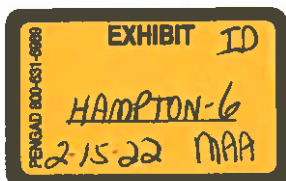
APPEARANCES:

LIEUTENANT LOU CORREGLIA
Essex County Prosecutor's Office

DETECTIVE JOE CASSIAN
New Jersey State Trooper, Missing Persons Unit

OFFICER JOE HADLEY
Newark Police Department, Homicide Unit

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Audio Recorded
Operator, _____



ECPO 000342

1 LT. CORREGLIA: Phil, sit right there. What
2 do you want, three sugars?

3 MR. HAMPTON: Yeah.

4 LT. CORREGLIA: And a little milk or a lot of
5 milk?

6 MR. HAMPTON: A little milk.

7 LT. CORREGLIA: A little milk?

8 MR. HAMPTON: Not a lot.

9 LT. CORREGLIA: You don't need to go to the
10 bathroom at all?

11 MR. HAMPTON: No. I'll be fine. I ain't got
12 no clothes.

13 LT. CORREGLIA: You want a jacket or a
14 blanket
15 or --

16 MR. HAMPTON: You got a blanket?

17 LT. CORREGLIA: Yes.

18 MR. HAMPTON: Yes.

19 DETECTIVE HADLEY: Coffee? Water?

20 MR. HAMPTON: He's getting me some coffee.

21 LT. CORREGLIA: Leave those alone. I'll show
22 you. You can look at it later. I don't know if he's
23 your cousin, this guy right here. That's Maurice,
24 right?

25 MR. HAMPTON: Yeah.

1 LT. CORREGLIA: We'll talk about it. Do you
2 want more cream?

3 MR. HAMPTON: No. That's good.

4 LT. CORREGLIA: That's good?

5 MR. HAMPTON: Yeah.

6 LT. CORREGLIA: I put enough sugar in it.
7 All right. You know where you are? You're at the
8 State Police Barracks in Newark. Okay? That's where
9 you are.

10 MR. HAMPTON: All right.

11 LT. CORREGLIA: You were brought here by us.
12 We brought you here, and we're going to talk to you
13 about what we started to talk about before, before we
14 drove over to Campbell Street. Okay?

15 MR. HAMPTON: Uh-huh.

16 LT. CORREGLIA: The time -- the time now is
17 8:18 p.m. The date is November 12th, 2008. Okay. I'm
18 going to put your name here. Philander, right?
19 P-h-i-l-a-n-d-e-r?

20 MR. HAMPTON: Uh-huh.

21 LT. CORREGLIA: Hampton, H-a-m-p-t-o-n?

22 MR. HAMPTON: Uh-huh.

23 LT. CORREGLIA: I'm Lieutenant Correglia
24 (phonetic), Lou Correglia, okay, of the Essex County
25 Prosecutor's Office. I'll read this to you. Then you

1 can read it back. The Essex County Prosecutor's
2 Office, Newark, New Jersey. I'm going to ask you
3 certain questions regarding five missing kids and the
4 year was 1978, okay? So I'm writing that down.

5 However, before beginning, I advise you of
6 your rights. You've heard your rights many times
7 before?

8 MR. HAMPTON: Yes.

9 LT. CORREGLIA: You've seen it on TV. You've
10 been read before, right?

11 MR. HAMPTON: Yeah.

12 LT. CORREGLIA: You have the right to remain
13 silent. Anything you say can be used against you in a
14 court of law. You have the right to talk to a lawyer,
15 have him present with you while -- to hire a lawyer, if
16 you wish one. You have the right to stop answering
17 questions or giving a statement -- If you cannot afford
18 a lawyer, one will be -- These are your rights for
19 MIRANDA. The bottom part of this form that's in front
20 of you is the waiver. And, like I said, you can read
21 it and I'm going to have you initial each one.

22 I've been advised of my rights, and I have
23 read the statement of my rights shown above. I
24 understand what my write -- I do not want a lawyer at
25 this time and understand that I may have one at anytime

1 I so desire. I also understand -- or threat of any
2 kind has been used against me. Okay. You understand
3 the way I read it, right?

4 MR. HAMPTON: Yes.

5 LT. CORREGLIA: Now, you can read and write,
6 Philander?

7 MR. HAMPTON: Uh-huh.

8 LT. CORREGLIA: Okay. Again, this is what I
9 filled out, right? What's this, November 12, 2008,
10 right? Philander Hampton, right? I'm Lieutenant Lou
11 Correglia, Essex County Prosecutor's Office. I'm going
12 to ask you questions regarding the this case. Okay.
13 You have to read these outright, okay, and then initial
14 each one, okay, one through five. Read them out loud,
15 though.

16 MR. HAMPTON: Okay. You have the right to
17 remain silent.

18 LT. CORREGLIA: Okay.

19 MR. HAMPTON: Anything you say can be used
20 against you in a court of law. You have the right to
21 -- you have the right to talk to a lawyer and to have
22 him present with you while you are being questioned.
23 If you have -- if you cannot afford to hire a lawyer,
24 one will be appointed to you.

25 LT. CORREGLIA: Okay.

1 MR. HAMPTON: You're represented -- what's
2 that --

3 LT. CORREGLIA: Before any questioning --

4 MR. HAMPTON: Yeah. Okay. I --

5 LT. CORREGLIA: You need glasses. You're
6 getting old. You have the right to stop answering
7 questions or giving a statement or the answering of
8 questions of -- initial one through five.

9 MR. HAMPTON: Where do I initial, my first?

10 LT. CORREGLIA: Initial each one, first name
11 and last name. Right. P. and an H. P.H. The bottom
12 is the waiver that I read to you. You read it and then
13 you sign the bottom.

14 MR. HAMPTON: I have read the statement of my
15 rights shown above. I understand what my rights are.
16 I am willing to answer -- I do not want a lawyer at
17 this time. Okay. All right.

18 LT. CORREGLIA: All right. You do not want a
19 lawyer at this time, but you know that you may have
20 one, if so desired, and also understand no promises,
21 threats have been made to you?

22 MR. HAMPTON: No.

23 LT. CORREGLIA: All right. Sign it. Over
24 here on this side. Today's date is Wednesday, November
25 12th. The time now is 8:24 p.m.

1 MR. HAMPTON: 8:24?

2 LT. CORREGLIA: Correct.

3 MR. HAMPTON: Okay. That's time -- I put
4 time is 8:24.

5 LT. CORREGLIA: Yes. That's fine. That's
6 fine right there. Don't worry about it. All right.
7 Joe Hadley (phonetic), Newark Police Homicide. Okay?
8 Joe Cassian, State Trooper, Detective from Missing
9 Persons Unit. Okay?

10 MR. HAMPTON: Yeah.

11 LT. CORREGLIA: And you know who I am. I
12 already told you.

13 MR. HAMPTON: Yeah.

14 LT. CORREGLIA: All right. And we've done
15 that before. Okay? Just so they're going to witness
16 this form, okay, and then we can start. I just want a
17 little background on you. Were are you living now?

18 MR. HAMPTON: I live at 36 Underwood.

19 LT. CORREGLIA: You live there?

20 MR. HAMPTON: That's my address.

21 LT. CORREGLIA: That's your address.

22 MR. HAMPTON: Yeah.

23 LT. CORREGLIA: Where are you living now?

24 MR. HAMPTON: Okay. I live at 136
25 Monticello.

1 LT. CORREGLIA: Monticello Avenue?

2 MR. HAMPTON: Yeah.

3 LT. CORREGLIA: Where is that?

4 MR. HAMPTON: In Jersey City.

5 LT. CORREGLIA: Who do you live there with?

6 MR. HAMPTON: My girlfriend.

7 LT. CORREGLIA: What's your girlfriend's
8 name?

9 MR. HAMPTON: Joanne Waymer (phonetic).

10 LT. CORREGLIA: Joanne Lemoore?

11 MR. HAMPTON; Waymer.

12 LT. CORREGLIA: Waymer.

13 MR. HAMPTON: W-a--

14 LT. CORREGLIA: Okay. How long have you
15 lived there in Jersey City?

16 MR. HAMPTON: About six years.

17 LT. CORREGLIA: Six years?

18 MR. HAMPTON: Yeah.

19 LT. CORREGLIA: Okay. How far did you go in
20 school? What grade did you go to in school?

21 MR. HAMPTON: Tenth.

22 LT. CORREGLIA: Tenth grade? What school?

23 MR. HAMPTON: West Side.

24 LT. CORREGLIA: West Side? West Side High?

25 All right. I know you can read. You can also write?

1 MR. HAMPTON: Uh-huh.

2 LT. CORREGLIA: Where do you currently live,
3 right now, I mean, today?

4 MR. HAMPTON: I'm in jail now.

5 LT. CORREGLIA: You're in jail. Okay.
6 Listen, one thing, the whole time we're here, I don't
7 want to know about what you're in jail for. I don't
8 want to talk about it. All right? None of us are
9 going to talk about that.

10 MR. HAMPTON: Okay.

11 LT. CORREGLIA: You understand why you're
12 here, right?

13 MR. HAMPTON: I understand.

14 LT. CORREGLIA: We're here to talk about five
15 missing children --

16 MR. HAMPTON: All right.

17 LT. CORREGLIA: -- from 1978, nothing else.
18 You know what I mean? Okay. So we're not going to ask
19 you other questions. It's just concerning this and
20 nothing else, okay?

21 MR. HAMPTON: Okay.

22 LT. CORREGLIA: Is there anything you've done
23 in the past, any other stuff, I really don't want to
24 know about it.

25 MR. HAMPTON: Yeah.

1 LT. CORREGLIA: This is why we're here.

2 Okay?

3 MR. HAMPTON: Uh-huh.

4 LT. CORREGLIA: The date was August 20th,
5 1978. It was a Sunday. Do you recall that day?

6 MR. HAMPTON: I recall that day.

7 LT. CORREGLIA: You recall?

8 MR. HAMPTON: Yeah.

9 LT. CORREGLIA: Okay. Where were you living
10 back in 1978?

11 MR. HAMPTON: I was living on Camden Street -
12 - Hunterdon (phonetic) Street.

13 LT. CORREGLIA: Okay.

14 MR. HAMPTON: 271 Hunterdon Street.

15 LT. CORREGLIA: Okay. All right.

16 MR. HAMPTON: Around the exact time.

17 LT. CORREGLIA: Exact time?

18 MR. HAMPTON: Yeah.

19 LT. CORREGLIA: Okay. Before we came here to
20 the State Police Barracks, did I take you to Camden
21 Street?

22 MR. HAMPTON: Yes.

23 LT. CORREGLIA: In Newark, correct?

24 MR. HAMPTON: Yeah. In Newark.

25 LT. CORREGLIA: Who gave me directions to get

1 there?

2 MR. HAMPTON: I did.

3 LT. CORREGLIA: Okay. Why did we go there?

4 MR. HAMPTON: Because that's where the five
5 boys was missing at, right there. A fire is set in the
6 house that we moved out of on Camden Street and Evans,
7 you know, wanted to kill the boys, you know, but I
8 didn't really feel that he wanted -- you know, I didn't
9 really feel that way inside of me.

10 LT. CORREGLIA: Okay. I understand.

11 MR. HAMPTON: Yeah.

12 LT. CORREGLIA: But hold on. But we went
13 there. You took me there. You gave me directions
14 there, right?

15 MR. HAMPTON: Yeah.

16 LT. CORREGLIA: Okay. And what's there now?
17 New houses, right? New housing?

18 MR. HAMPTON: Right.

19 LT. CORREGLIA: It wasn't like that back then
20 on August 20th, 1978, was it?

21 MR. HAMPTON: No.

22 LT. CORREGLIA: What was there on August
23 20th, 1978?

24 MR. HAMPTON: A three-family house.

25 LT. CORREGLIA: Three-family house?

1 MR. HAMPTON: Yeah.

2 LT. CORREGLIA: And you lived in that house?

3 MR. HAMPTON: I lived in the house on the
4 third floor.

5 LT. CORREGLIA: The third floor of that
6 house? Do you remember the number?

7 MR. HAMPTON: I don't know the number.

8 LT. CORREGLIA: You don't remember the
9 number, but you know it was on that spot that you
10 showed me, right, about the --

11 MR. HAMPTON: -- between there where I see
12 where the lot was at.

13 LT. CORREGLIA: Right.

14 MR. HAMPTON: Right. Because I remember,
15 there used to be a telephone pole right there. That's
16 what I remember seeing.

17 LT. CORREGLIA: All right. And I saw the
18 telephone pole there.

19 MR. HAMPTON: Yeah.

20 LT. CORREGLIA: So it's pretty much the
21 middle of the block?

22 MR. HAMPTON: Yeah. Yeah.

23 LT. CORREGLIA: If you're going south, --

24 MR. HAMPTON: Yeah.

25 LT. CORREGLIA: -- middle of a block on your

1 left-hand side, --

2 MR. HAMPTON: Right.

3 LT. CORREGLIA: -- if you were going south?

4 MR. HAMPTON: Right.

5 LT. CORREGLIA: Right where you showed me.

6 Okay.

7 DETECTIVE CASSIAN: Do you remember who owned
8 the house?

9 MR. HAMPTON: Who owned that house?

10 LT. CORREGLIA: Let me ask you, August 20th,
11 1978, or before, you told me you just moved to 271
12 Hunterdon Street.

13 MR. HAMPTON: Yeah.

14 LT. CORREGLIA: Who lived there with you on
15 Camden Street?

16 MR. HAMPTON: My mother.

17 LT. CORREGLIA: Just you and your mom?

18 MR. HAMPTON: My mother and my brother.

19 LT. CORREGLIA: And your brother that passed?

20 That's in the 80's, right?

21 MR. HAMPTON: Yeah.

22 LT. CORREGLIA: Okay. He died in New York
23 City, right?

24 MR. HAMPTON: Yeah.

25 DETECTIVE CASSIAN: Did anybody else live in

1 that residence? You said, it was a three-family.

2 MR. HAMPTON: Somebody lived on the first
3 floor, but I didn't know them that well.

4 LT. CORREGLIA: Let me ask -- we're going to
5 start asking you more questions, and I'm not going to
6 be the only one asking you these questions, but do you
7 know the exact date when you moved to 271 Hunterdon?

8 MR. HAMPTON: Not the exact date. No.

9 LT. CORREGLIA: No?

10 MR. HAMPTON: I don't know exactly, in '78.

11 LT. CORREGLIA: All right. On August 20th,
12 what was the condition of the house on Camden Street?
13 Were there people living in it?

14 MR. HAMPTON: Yeah. People were living
15 there, but --

16 LT. CORREGLIA: On August 20th?

17 MR. HAMPTON: Yeah. But it was -- yeah. I
18 never knew the landlord that owned that house.

19 OFFICER HADLEY: I -- on the date.

20 LT. CORREGLIA: On August 20th, --

21 MR. HAMPTON: Yeah.

22 LT. CORREGLIA: On August 20th, okay, were
23 there people living in it? What was the condition of
24 the house, after you moved here?

25 DETECTIVE CASSIAN: After you moved out.

1 LT. CORREGLIA: After you moved here, what
2 was the condition of that house?

3 DETECTIVE CASSIAN: Was anyone living in the
4 house when you went there?

5 MR. HAMPTON: No. There wasn't no one living
6 in there.

7 DETECTIVE CASSIAN: In none of the
8 apartments?

9 MR. HAMPTON: Everybody moved out.

10 LT. CORREGLIA: Everybody moved?

11 MR. HAMPTON: Yes.

12 LT. CORREGLIA: Was it boarded up?

13 MR. HAMPTON: No. It wasn't boarded up.

14 LT. CORREGLIA: It wasn't boarded up?

15 MR. HAMPTON: Everybody just moved out.

16 LT. CORREGLIA: Everybody moved out?

17 MR. HAMPTON: Yeah. Everybody just moved
18 out.

19 LT. CORREGLIA: How did you get in and out of
20 that house?

21 MR. HAMPTON: I had a key to get in the
22 bottom door.

23 LT. CORREGLIA: The bottom door, you had a
24 key?

25 MR. HAMPTON: I had a key to get in.

1 LT. CORREGLIA: Okay.

2 MR. HAMPTON: Since we moved out, we had left
3 the door upstairs open.

4 LT. CORREGLIA: Okay. Listen, I'm going to
5 show you this -- this -- truthfully, I don't know who
6 made it up. I believe it's -- long time ago, and it's
7 really a missing persons poster, and it has five -- a
8 picture of five boys. One is Ernest Taylor, one is
9 Melvin Rickey Pitman, another one is Randy Johnson,
10 another one is Alvin Turner, and another one is Michael
11 McDowell.

12 MR. HAMPTON: Yeah.

13 LT. CORREGLIA: Do you recognize these boys?

14 MR. HAMPTON: I recognize Michael.

15 LT. CORREGLIA: Do you know Michael?

16 MR. HAMPTON: I recognize him.

17 LT. CORREGLIA: Personally?

18 MR. HAMPTON: No. I don't know him
19 personally.

20 LT. CORREGLIA: How do you know him? What is
21 his relationship with Lee?

22 MR. HAMPTON: He just worked for Lee.

23 LT. CORREGLIA: He works for Lee?

24 MR. HAMPTON: Like cleaning up. You know, --

25 LT. CORREGLIA: All right. Do you recall the

1 date and these boys? Did you ever see these photos
2 before?

3 MR. HAMPTON: No.

4 LT. CORREGLIA: No? Okay.

5 MR. HAMPTON: No. I never seen them photos
6 before.

7 LT. CORREGLIA: These are the boys we're
8 talking about, though, all right?

9 MR. HAMPTON: Yeah. Yeah.

10 LT. CORREGLIA: This is the first time you
11 see this -- right?

12 MR. HAMPTON: Yeah. The last time I seen
13 them, you know, --

14 LT. CORREGLIA: Okay. But you know Michael,
15 right?

16 MR. HAMPTON: I knew Michael. I knew another
17 kid, too.

18 LT. CORREGLIA: You do?

19 MR. HAMPTON: The other kid. Where he at,
20 brown-skinned, big kid.

21 LT. CORREGLIA: Ernie?

22 MR. HAMPTON: Ernie?

23 LT. CORREGLIA: I think this is actually
24 Ernie. Let me see if we can find him. Ernest --
25 right. Ernie. Right. They're backwards. Ernie is

1 actually this one here. See, they got them backwards
2 on the poster? These two are -- all right. Here.
3 Sentence. This is the photo, so just put your initials
4 there next to Michael's photo.

5 MR. HAMPTON: And who is Rickey --

6 LT. CORREGLIA: Rickey is this kid. That's
7 Rickey.

8 MR. HAMPTON: Yeah. Yeah. I -- I --

9 LT. CORREGLIA: You know Rickey?

10 MR. HAMPTON: Yeah.

11 DETECTIVE CORREGLIA: All right. Put your
12 initials next to him. Okay. Write down Rickey because
13 you know why, they messed up. They inverted the names.
14 R-i-c-k-e-y.

15 MR. HAMPTON: I can't see that writing on
16 that.

17 LT. CORREGLIA: Okay. That's Rickey. Okay?
18 Yes. That's Rickey. They inverted them. All right?
19 Now, Lee Anthony Ethers (phonetic), do you know him?

20 MR. HAMPTON: Yes. I know him.

21 LT. CORREGLIA: Who is Lee Anthony Ethers?

22 MR. HAMPTON: My cousin.

23 LT. CORREGLIA: He's your cousin?

24 MR. HAMPTON: Yeah.

25 LT. CORREGLIA: And how long have you known

1 your cousin?

2 MR. HAMPTON: Ever since I was about four,
3 five.

4 LT. CORREGLIA: Four or five years old? How
5 old are you now?

6 MR. HAMPTON: Fifty-two.

7 LT. CORREGLIA: Fifty-two. You've known him
8 a long time.

9 MR. HAMPTON: Because they moved up here --

10 LT. CORREGLIA: Maybe 47 years, 48 years,
11 you've known them.

12 MR. HAMPTON: But they moved up here.

13 LT. CORREGLIA: Okay.

14 MR. HAMPTON: They left us -- I was still
15 down south.

16 LT. CORREGLIA: Oh, you were down -- okay.

17 MR. HAMPTON: Yeah. They moved from down
18 south to here.

19 LT. CORREGLIA: And when did you move up
20 here?

21 MR. HAMPTON: We moved up here --

22 LT. CORREGLIA: A long time ago?

23 MR. HAMPTON: Yeah.

24 LT. CORREGLIA: Okay. So you've known him
25 all your life, right?

1 MR. HAMPTON: Yeah.

2 LT. CORREGLIA: Okay.

3 DETECTIVE CASSIAN: Where did you move from?

4 MR. HAMPTON: Mobile.

5 DETECTIVE CASSIAN: Alabama?

6 MR. HAMPTON: Yeah.

7 LT. CORREGLIA: Who is that?

8 MR. HAMPTON: Ben Evans (phonetic).

9 LT. CORREGLIA: Okay. Okay. Sign this down
10 there. Sign your name and put today's date. Did Lee
11 have a brother?

12 MR. HAMPTON: Yeah. He's dead.

13 LT. CORREGLIA: He's dead?

14 MR. HAMPTON: Yeah.

15 LT. CORREGLIA: Put today's date. 11/12/08.

16 How long did you know Lavert (phonetic)?

17 MR. HAMPTON: About the same time.

18 LT. CORREGLIA: About the same time? All

19 your life, right? Who is that? It's an old photo,

20 man. Who is that? That photo is very old, from 1977.

21 MR. HAMPTON: I don't know who that is?

22 LT. CORREGLIA: That's not Lavert?

23 MR. HAMPTON: No.

24 LT. CORREGLIA: Are you sure?

25 DETECTIVE CASSIAN: Or do you not know the

1 name Lavert?

2 MR. HAMPTON: Yeah. That's not Lavert.

3 LT. CORREGLIA: That's not Lavert?

4 MR. HAMPTON: No.

5 LT. CORREGLIA: Okay. Well, again, these are
6 old records and I had this attached to this that says,
7 it's Lavert Evans, mother -- brother Lee Evans from 611
8 High Street, born in Mobile, Alabama.

9 MR. HAMPTON: It's not the --

10 LT. CORREGLIA: Okay. I believe you. It may
11 not be --

12 MR. HAMPTON: No. It's not.

13 LT. CORREGLIA: It may be the wrong photo was
14 attached to -- somebody put the wrong photo here. That
15 could be.

16 MR. HAMPTON: That's not him.

17 LT. CORREGLIA: Okay. It could be. Like I
18 said, this is going back to 1977, so it could very well
19 be. So we'll --

20 DETECTIVE CASSIAN: But you knew that he died
21 and had previously passed away and was Lee Evans'
22 brother, correct?

23 MR. HAMPTON: Yeah.

24 DETECTIVE CASSIAN: Okay.

25 LT. CORREGLIA: Where did William live at the

1 time in 1978? Again, everything I'm going to ask you
2 is regarding, you know, 1978.

3 MR. HAMPTON: Yes. 1978. Okay.

4 LT. CORREGLIA: Where did he live a that
5 time?

6 MR. HAMPTON: On Glen Avenue.

7 LT. CORREGLIA: Glen Avenue?

8 MR. HAMPTON: Yeah.

9 LT. CORREGLIA: In a house or a building?

10 MR. HAMPTON: Building.

11 LT. CORREGLIA: Building?

12 MR. HAMPTON: Yeah.

13 LT. CORREGLIA: In one of the apartments?

14 MR. HAMPTON: Yeah.

15 LT. CORREGLIA: Do you know what floor?

16 MR. HAMPTON: No. I think it was the top
17 floor.

18 LT. CORREGLIA: Top floor? Okay. Do you
19 know this individual?

20 MR. HAMPTON: Yeah. That's Reese -- Maurice.

21 LT. CORREGLIA: Maurice, right?

22 MR. HAMPTON: Yeah.

23 LT. CORREGLIA: He's also your cousin?

24 MR. HAMPTON: Yeah. He's my cousin.

25 LT. CORREGLIA: And he's deceased now, also,

1 right?

2 MR. HAMPTON: Yes.

3 LT. CORREGLIA: Maurice Olds, was his name?

4 MR. HAMPTON: Yeah.

5 LT. CORREGLIA: Right. Okay. You want to
6 sign that picture? 11/12/08. Did these boys do
7 anything to Lee?

8 MR. HAMPTON: They broke in his house.

9 LT. CORREGLIA: They broke in his house?

10 MR. HAMPTON: Yeah.

11 LT. CORREGLIA: Why did they break in his
12 house?

13 MR. HAMPTON: I can't tell you that. I have
14 no idea. I have no idea.

15 LT. CORREGLIA: Did they bring something into
16 the house?

17 MR. HAMPTON: He said, he broke in his house.
18 He told me that. I didn't know.

19 LT. CORREGLIA: Did they take anything from
20 his house?

21 MR. HAMPTON: He say they did. He said they
22 took a bunch of weed.

23 LT. CORREGLIA: A bunch of weed?

24 MR. HAMPTON: Yeah.

25 DETECTIVE CASSIAN: What is weed?

1 MR. HAMPTON: Huh?

2 DETECTIVE CASSIAN: What is weed?

3 MR. HAMPTON: Reefer.

4 LT. CORREGLIA: Reefer.

5 DETECTIVE CASSIAN: Marijuana?

6 MR. HAMPTON: Yeah.

7 LT. CORREGLIA: So they took a bunch of weed?

8 MR. HAMPTON: Yeah.

9 LT. CORREGLIA: Around what time was this?

10 MR. HAMPTON: It was like two or -- almost a

11 week before -- you know, before this happened.

12 LT. CORREGLIA: A week before what happened?

13 MR. HAMPTON: Before they got missing.

14 LT. CORREGLIA: They got missing?

15 MR. HAMPTON: Yeah.

16 LT. CORREGLIA: A week before they got

17 missing, they broke in his house and took weed?

18 MR. HAMPTON: Yeah.

19 LT. CORREGLIA: Okay. And Lee told you this?

20 MR. HAMPTON: Yeah. Lee told me.

21 LT. CORREGLIA: What was Lee driving at the

22 time? We know he was living on Clinton and Grove.

23 What was he driving?

24 MR. HAMPTON: Chevy pickup.

25 LT. CORREGLIA: Chevy pickup? What color

1 pickup?

2 MR. HAMPTON: Green.

3 LT. CORREGLIA: Green?

4 MR. HAMPTON: Light green. Like a light
5 green.

6 LT. CORREGLIA: Any writing on his truck? --
7 You drove it?

8 MR. HAMPTON: I have drove it. Yeah.

9 LT. CORREGLIA: Yes? You rode in it and you
10 drove it. August 20, 1978, okay, --

11 DETECTIVE CASSIAN: I want to back up just a
12 -- for just a minute.

13 LT. CORREGLIA: Yes. Go ahead. Go.

14 DETECTIVE CASSIAN: You talked about the weed
15 that you said was stolen from his residence.

16 MR. HAMPTON: Yeah.

17 DETECTIVE CASSIAN: You think it's a week
18 prior to this event of August 20th?

19 MR. HAMPTON: Yeah.

20 DETECTIVE CASSIAN: Just tell me about how
21 that came up to you. What did he say to you? What --
22 how did he sound?

23 MR. HAMPTON: No. He was upset about it. He
24 -- you know, actually, he told the police or whatever
25 -- investigate it, see what was -- you know, but he

1 knew all the time who broke in the house and what he
2 tells me, he would take care of it.

3 LT. CORREGLIA: He would take care of it?

4 MR. HAMPTON: Yeah.

5 DETECTIVE CASSIAN: Now, was he all pissed
6 off about this?

7 MR. HAMPTON: He was pissed off, but he
8 didn't show it.

9 LT. CORREGLIA: Okay.

10 MR. HAMPTON: He didn't show it.

11 LT. CORREGLIA: How did you know he was
12 pissed off?

13 MR. HAMPTON: Because he didn't say a lot
14 about it. He just said, he would take care of it, but
15 I didn't know exactly who broke into his house until
16 later on.

17 LT. CORREGLIA: Now, when he told you it was
18 weed, did he say how much weed?

19 MR. HAMPTON: He didn't say exactly how much
20 weed.

21 LT. CORREGLIA: Did you ever see any weed in
22 his residency?

23 MR. HAMPTON: Yeah.

24 LT. CORREGLIA: Okay. How much would he
25 have, typically?

1 MR. HAMPTON: I would say, half an ounce,
2 something like that.

3 LT. CORREGLIA: What do you mean you got it?
4 He gave it to you?

5 MR. HAMPTON: He gave it to me.

6 DETECTIVE CASSIAN: Would you see other
7 mounds of weed in --

8 MR. HAMPTON: No. I didn't see --

9 DETECTIVE CASSIAN: Do you remember where he
10 stored that?

11 MR. HAMPTON: No.

12 LT. CORREGLIA: If he had a bunch of weed,
13 what was he doing? Was he selling it? Was he using
14 it?

15 MR. HAMPTON: He was most likely selling it.
16 He didn't get high.

17 LT. CORREGLIA: He didn't get high?

18 MR. HAMPTON: Never. He never get --

19 LT. CORREGLIA: Do you know for a fact?

20 MR. HAMPTON: Yeah. I know for a fact he was
21 selling. Who have that much weed and don't sell it?

22 DETECTIVE CASSIAN: Well, no. We're asking
23 if you knew for a fact.

24 MR. HAMPTON: I didn't know for a fact
25 whether he's selling it or not. No.

1 LT. CORREGLIA: When he gave you the half,
2 did you pay him?

3 MR. HAMPTON: No. Sometimes, I did.
4 Sometimes, I didn't.

5 LT. CORREGLIA: Okay. So he was selling to
6 you?

7 MR. HAMPTON: Yeah. Sometimes, but I
8 wouldn't give him a lot money for a half ounce.

9 OFFICER HADLEY: How much would you give him
10 for a half ounce?

11 MR. HAMPTON: About \$30 here. You know, a
12 half ounce at that time cost, what, about \$60.

13 DETECTIVE CASSIAN: Okay. So he told you
14 about this weed that's missing from his house and he
15 said, he's going to take care of it?

16 MR. HAMPTON: He said, he's missing a lot.

17 DETECTIVE CASSIAN: Okay. A lot?

18 MR. HAMPTON: Yeah.

19 DETECTIVE CASSIAN: Did he tell you how much
20 was a lot to him?

21 MR. HAMPTON: No.

22 DETECTIVE CASSIAN: Now, a half ounce, that
23 wouldn't be considered a lot, right?

24 MR. HAMPTON: No. No. No.

25 LT. CORREGLIA: So you knew the boys took the

1 weed?

2 MR. HAMPTON: He said, he knew he took it.
3 He didn't exactly say who did it. You know,
4 eventually, he came around to that because I knew the
5 boys took the weed.

6 DETECTIVE CASSIAN: Did you ever have any --
7 prior to the 20th, did you ever go out with Lee Evans
8 to look for these boys who took his weed?

9 MR. HAMPTON: No. I didn't go looking for
10 him. No. I never went with him.

11 LT. CORREGLIA: Who went to look for these
12 boys?

13 MR. HAMPTON: Reese went with him to look for
14 the boys.

15 DETECTIVE CASSIAN: Reese?

16 MR. HAMPTON: Reese?

17 DETECTIVE CASSIAN: Maurice?

18 MR. HAMPTON: Yeah. Maurice.

19 DETECTIVE CASSIAN: And this is August 20th?

20 MR. HAMPTON: Yeah.

21 LT. CORREGLIA: Sunday?

22 MR. HAMPTON: That's Sunday the 28th. ✓

23 OFFICER HADLEY: Before, when you say Reese
24 and you say Maurice, are we talking about the same
25 Maurice Olds that you signed pictures of?

1 MR. HAMPTON: Yeah.

2 DETECTIVE CASSIAN: His other cousin, Maurice
3 Olds, right?

4 MR. HAMPTON: Yeah.

5 LT. CORREGLIA: Now, Maurice rode around with
6 him that Sunday looking for these boys?

7 MR. HAMPTON: Yeah. And they found -- I
8 guess, he must have told Reese that they was going --
9 you know, wanted to help him do some work this summer
10 and, eventually, you know, Reese wanted to help him
11 look for the guys. You know, eventually, he found them
12 all but, you know, he had two and I was sitting there
13 at the house when he first -- I was at my mother's
14 house. He came and he got me when he got the first
15 two. And then we went around the corner and he gave me
16 a gun --

17 DETECTIVE CASSIAN: Hold on. You were at
18 your mother's house on Hunterdon, right?

19 MR. HAMPTON: Yeah. My mother's house on
20 Hunterdon. Then he went upstairs -- we went upstairs
21 and then he passed me a gun. He said, keep an eye on
22 them until I get back. I'll be right back, and he left
23 them, when he got the other three, him and Reese, and
24 brung them back, but he had to drop Reese off
25 somewhere. I don't know. I guess, he took Reese home

1 and he came back with the other three, and he came back
2 with a five gallon can of gas, too, and when he got
3 back with the other three, he took the gun from me and
4 made them get in the car, and he -- he came through the
5 back off of Bergen Street, another car, the Chevy and
6 poured gas all around the car and the door and poured
7 gas all around the room and poured gas out in the
8 kitchen and left the gas can sitting right by the
9 kitchen door and struck a match. He had his -- match.

10 I told him, I didn't have a match. He said you got
11 matches because you smoke. So I gave him a match and
12 he strike the match and -- but I was going down the
13 stairs before he really --

14 LT. CORREGLIA: Did you see the flames?

15 MR. HAMPTON: Yeah. I seen the flames. It
16 was blazing.

17 LT. CORREGLIA: Blazing?

18 MR. HAMPTON: Yes.

19 LT. CORREGLIA: The house?

20 MR. HAMPTON: Yes.

21 LT. CORREGLIA: What floor was this?

22 MR. HAMPTON: Third floor.

23 DETECTIVE CASSIAN: The kitchen was on the
24 third floor, so it was a third floor unit?

25 MR. HAMPTON: Yeah. Yeah. Third floor.

1 LT. CORREGLIA: And let me ask you, when you
2 said, he came in through Bergen Ave., the house?

3 MR. HAMPTON: Yeah.

4 DETECTIVE CASSIAN: With the last three boys?

5 MR. HAMPTON: Yeah. With the last.

6 LT. CORREGLIA: Do you remember who the two
7 boys were that you were sitting up there with, with the
8 gym?

9 DETECTIVE CASSIAN: Do you remember the
10 names?

11 MR. HAMPTON: I don't exactly know.

12 LT. CORREGLIA: Michael was one of them?

13 MR. HAMPTON: I know Michael was one of the
14 names.

15 LT. CORREGLIA: One of the first two?

16 MR. HAMPTON: Yeah. One of the first two.
17 But I'm trying to think who was the -- I don't know
18 exactly.

19 LT. CORREGLIA: We're talking about these
20 five boys, right, the ones that you saw?

21 MR. HAMPTON: Yeah. Same five boys.

22 LT. CORREGLIA: Same five boys.

23 MR. HAMPTON: Yeah.

24 DETECTIVE CASSIAN: How long did you have to
25 sit there before the other three came?

1 MR. HAMPTON: Came?

2 LT. CORREGLIA: How long did you keep the gun
3 on the two?

4 MR. HAMPTON: About 45 minutes.

5 LT. CORREGLIA: Forty-five minutes, you held
6 them at gunpoint?

7 MR. HAMPTON: Not exactly at gunpoint, but I
8 -- they knew they was at bay. I didn't -- you know,
9 nobody got shot in that. He didn't shoot anyone. It's
10 just that he just --

11 LT. CORREGLIA: Now, when you were holding
12 the two boys at bay, were they in the room? Were they
13 in the closet already or what?

14 MR. HAMPTON: Yeah. They were in the room.
15 They -- in the room.

16 DETECTIVE CASSIAN: In the kitchen or --

17 MR. HAMPTON: No. In the bedroom where the
18 closet is at.

19 LT. CORREGLIA: Okay. So it was in the
20 bedroom? Where was the bedroom located on the third
21 floor?

22 MR. HAMPTON: In the back of the house.

23 LT. CORREGLIA: The back of the house is --
24 would the back of the house be Bergen?

25 MR. HAMPTON: Yeah. The back of the house

1 would be Bergen.

2 LT. CORREGLIA: Because Camden and then
3 Camden is the first block past Bergen, --

4 MR. HAMPTON: Yeah.

5 LT. CORREGLIA: -- west of Bergen, right?

6 MR. HAMPTON: Yeah. Uh-huh.

7 LT. CORREGLIA: So it would be -- the back of
8 the house would be Bergen, right?

9 MR. HAMPTON: Yeah. Uh-huh.

10 LT. CORREGLIA: So it was a back bedroom
11 towards Bergen?

12 MR. HAMPTON: Yeah. Uh-huh.

13 LT. CORREGLIA: And there was one closet in
14 that bedroom?

15 MR. HAMPTON: Yeah. One closet.

16 LT. CORREGLIA: Was there furniture in the
17 bedroom?

18 MR. HAMPTON: No.

19 LT. CORREGLIA: Was there --

20 MR. HAMPTON: It was empty.

21 LT. CORREGLIA: It was empty? The whole
22 thing was empty?

23 MR. HAMPTON: It was a nice size. It was a
24 nice size closet.

25 DETECTIVE CASSIAN: Like as big as the table

1 here? As --

2 MR. HAMPTON: You could say, it wasn't as
3 long as this table, but it was just as deep as this
4 table. It wasn't as long as this table.

5 LT. CORREGLIA: And five boys fit in there?

6 MR. HAMPTON: Yeah. He placed them in there,
7 situated them in there. But I never thought he was
8 going to burn the house down because I didn't have no
9 thoughts to him going to really kill them because I
10 didn't feel that way, you know. They took something
11 from me, and I'm going to kill them.

12 LT. CORREGLIA: What kind of gun did he give
13 you?

14 MR. HAMPTON: I think --

15 LT. CORREGLIA: What color was the gun?

16 MR. HAMPTON: Nickel plated.

17 LT. CORREGLIA: A revolver or a hand--

18 MR. HAMPTON: Revolver.

19 LT. CORREGLIA: Revolver?

20 MR. HAMPTON: Yeah.

21 LT. CORREGLIA: When you say "nickel plated,"
22 it's silver, chrome?

23 MR. HAMPTON: Silver. Yeah. Chrome.

24 DETECTIVE CASSIAN: I'm going to bring you
25 back to -- When he picked you up at your house, what

1 did he say he was doing that night?

2 MR. HAMPTON: He said -- he didn't say
3 exactly. He didn't say what he was doing. He was just
4 taking a ride, but he had already mentioned that before
5 he got to that point. You know, he had mentioned what
6 he was going to do.

7 DETECTIVE CASSIAN: What did he say?

8 MR. HAMPTON: He said, he's going to get rid
9 of them, going to kill them.

10 LT. CORREGLIA: He was going to get rid of
11 them?

12 MR. HAMPTON: Yeah.

13 LT. CORREGLIA: He was going to kill them?

14 MR. HAMPTON: Yeah.

15 DETECTIVE CASSIAN: He said that to you?

16 MR. HAMPTON: Yeah. He said that to me, but
17 I didn't really think he was serious about it.

18 LT. CORREGLIA: Okay.

19 OFFICER HADLEY: How long before that day or
20 that time did he say that?

21 MR. HAMPTON: It happened all in the same --
22 you know, I don't know, he told me that before -- you
23 know, about -- maybe that same day, in the daytime.

24 OFFICER: Okay. I understand this was 30
25 years ago, so take your time when you think about it.

1 MR. HAMPTON: Yeah. Yeah. Yeah. It may
2 have been that same day. I don't know.

3 LT. CORREGLIA: Real quick, describe the
4 house, if you can. If you think back to the house you
5 used to live in on Camden Street, what color was it?
6 You don't know?

7 MR. HAMPTON: I ain't going to tell that now.

8 LT. CORREGLIA: Did he have a porch?

9 MR. HAMPTON: It had a little porch you come
10 out to, a little porch you can walk out onto.

11 LT. CORREGLIA: Onto Camden?

12 MR. HAMPTON: Yeah. Where you come off --

13 LT. CORREGLIA: Steps coming down to the
14 street and then steps going up, right?

15 MR. HAMPTON: Yeah.

16 LT. CORREGLIA: I guess, three family, right,
17 a three--

18 MR. HAMPTON: Two flights of steps.

19 LT. CORREGLIA: Two flights, but it was a
20 three-family house?

21 MR. HAMPTON: Yeah.

22 LT. CORREGLIA: Okay. And it had steps or a
23 door coming in through the back?

24 MR. HAMPTON: It had a back door. Yeah.

25 LT. CORREGLIA: Did you take the same steps

1 to go up through the front that you did through the --
2 if you came in through the back?

3 MR. HAMPTON: No. You --

4 LT. CORREGLIA: What I'm saying, was there a
5 set of steps in the back hall or --

6 MR. HAMPTON: Two sets of stairs.

7 LT. CORREGLIA: So there were two sets of
8 steps to get up there?

9 MR. HAMPTON: Yeah.

10 LT. CORREGLIA: Okay. So --

11 DETECTIVE CASSIAN: I want to bring you back
12 to this, when he picks you up. When he picks you up,
13 he's got the truck. He's driving his green truck,
14 correct?

15 MR. HAMPTON: Right.

16 DETECTIVE CASSIAN: All right. He's got two
17 with him, right?

18 MR. HAMPTON: Yeah.

19 DETECTIVE CASSIAN: He picks you up at your
20 house. What does he say to you that night when he
21 picks you up there?

22 MR. HAMPTON: He didn't really say nothing.
23 I don't exactly remember what he said. I just know he
24 had already, you know, rehearsed it.

25 DETECTIVE CASSIAN: Planned it.

1 LT. CORREGLIA: Let me ask you something
2 because I'm a little confused. Does he pick you up
3 with the two boys in the truck already --

4 MR. HAMPTON: Yeah. He --

5 LT. CORREGLIA: -- or he dropped you off
6 already at the house? You know what I mean? Were you
7 already at the house when he brings the boys there?

8 MR. HAMPTON: No. No. No.

9 LT. CORREGLIA: No?

10 MR. HAMPTON: No. He picked me up at my
11 mother house.

12 LT. CORREGLIA: He picked you up?

13 DETECTIVE CASSIAN: He had two boys with you
14 in the truck?

15 MR. HAMPTON: There was two boys in the truck
16 with him.

17 LT. CORREGLIA: With him?

18 MR. HAMPTON: Yeah.

19 LT. CORREGLIA: Where were the boys, inside
20 the cab or in the back or where?

21 MR. HAMPTON: I think, they was in the back.

22 LT. CORREGLIA: It was a pickup truck, right?

23 MR. HAMPTON: Yeah. They was in the back.

24 LT. CORREGLIA: They were in the back of the
25 pickup truck?

1 MR. HAMPTON: Yeah.

2 LT. CORREGLIA: So you got in next to him?

3 MR. HAMPTON: Yeah. I got in next to him.

4 Right.

5 LT. CORREGLIA: Were you two guys talking or
6 you already knew what was going to happen?

7 MR. HAMPTON: I already knew because he had
8 already re-- you know, rehearsed what he was going to
9 do.

10 LT. CORREGLIA: What did he rehearse? Tell
11 me.

12 MR. HAMPTON: He said, he was going to get
13 rid of them, going to kill them and, you know, I didn't
14 really think he was, you know, going to do that.

15 LT. CORREGLIA: But did he tell you, hey, I'm
16 going to take them to the house? How did he come up
17 with that house?

18 MR. HAMPTON: Because he knew we had just
19 moved out of the house.

20 LT. CORREGLIA: Did he come up with the house
21 or did you come up with the house?

22 MR. HAMPTON: He came up with the house.

23 LT. CORREGLIA: He came up with the house?

24 MR. HAMPTON: Yeah. I didn't.

25 LT. CORREGLIA: What did he say?

1 MR. HAMPTON: He just -- he just said, I'm
2 going to take a ride to where your mother move from.
3 It's been so long, I'm trying to remember exactly how
4 he put that because he orchestrated the whole thing.
5 You know that. I ain't -- I ain't going to kill
6 nobody.

7 OFFICER HADLEY: In short, when you got into
8 the car with the three guys or two other guys and Lee,
9 did you know Lee was coming for you at the time or had
10 Lee just knocked on the door and said, let's go? Or
11 did he tell you to wait here or anything to let you
12 know that Lee was coming to pick you up?

13 MR. HAMPTON: I think he did call me and tell
14 me he was coming by the house. He come by my mother
15 house to pick me up.

16 OFFICER HADLEY: When he picked you up, --

17 MR. HAMPTON: Yeah.

18 OFFICER HADLEY: -- or even before that,
19 during that phone call, did he tell you he had the boys
20 with him or did he --

21 MR. HAMPTON: No. He didn't. No. No.

22 OFFICER HADLEY: Hold on a second. After he
23 picked you up and you saw the two boys in the car, in
24 the truck, --

25 MR. HAMPTON: Yeah. Yeah. And then I knew

1 exactly what he was doing.

2 OFFICER HADLEY: Okay. At that point is
3 where you realized what was about to happen?

4 MR. HAMPTON: Yeah. Uh-huh.

5 OFFICER HADLEY: And you --

6 DETECTIVE CASSIAN: I'm sorry. You went
7 directly from your house on Hunterdon then to Camden,
8 correct?

9 MR. HAMPTON: Straight out of Hunterdon
10 Street and came around and came through the back on
11 Bergen Street.

12 OFFICER HADLEY: Okay. So, at that point,
13 you walked the guys upstairs from the back?

14 MR. HAMPTON: Yeah. From the back.

15 OFFICER HADLEY: If you recall who led and
16 who followed, how would that have gone?

17 MR. HAMPTON: Oh, god. I couldn't tell you.

18 OFFICER HADLEY: Do you recall --

19 MR. HAMPTON: He was behind them.

20 LT. CORREGLIA: Well, let me ask you. I know
21 where Joe is going. Was the gun out already?

22 MR. HAMPTON: No. There wasn't no gun.

23 OFFICER HADLEY: What was your position, if
24 you remember?

25 MR. HAMPTON: I might have been in the front.

1 OFFICER HADLEY: Just take your time.

2 DETECTIVE CASSIAN: No. We don't want you to
3 -- if you remember, you remember.

4 MR. HAMPTON: I don't remember it that well.

5 DETECTIVE CASSIAN: Do you recall him being
6 in the back saying anything to the boys, like they were
7 going in the house to move something, going to do
8 something?

9 MR. HAMPTON: He might have been saying some
10 of that.

11 DETECTIVE CASSIAN: I mean, do you recall
12 that?

13 MR. HAMPTON: I don't know. I can't recall
14 it because it's been so long ago.

15 DETECTIVE CASSIAN: But you're certain at
16 this point coming up to the house, there's no gun out,
17 nobody is being --

18 MR. HAMPTON: No. No gun out. No.

19 OFFICER HADLEY: So, at this point, it's
20 pretty much free will, walking?

21 MR. HAMPTON: Right. Free will, walking.

22 OFFICER HADLEY: And do you know if they
23 believed that they were going there because he wanted
24 to question them about the marijuana that was stolen or
25 if they believed they were going to do some work?

1 MR. HAMPTON: Do some work. He was going to
2 do some work. That's the one.

3 OFFICER HADLEY: Throughout their ride
4 because I'm understanding now that they were in the
5 back cab, which is opened up, throughout their ride,
6 did anybody ever talk to these two boys that were in
7 the back?

8 MR. HAMPTON: He talked to them before he
9 picked me up.

10 OFFICER HADLEY: Okay. But after he picked
11 you up, --

12 MR. HAMPTON: He didn't say anything else to
13 them.

14 OFFICER HADLEY: Okay. Now, on the way
15 upstairs, did anybody make any reference to why we're
16 coming to an abandoned house?

17 MR. HAMPTON: I guess, they already knew
18 where they was coming to.

19 DETECTIVE CASSIAN: Yeah. I mean, you're
20 coming to an abandoned house, but you lived on the
21 third floor, correct?

22 MR. HAMPTON: Yeah.

23 DETECTIVE CASSIAN: You're going up to your
24 apartment.

25 MR. HAMPTON: My old apartment. Yeah.

1 LT. CORREGLIA: To do some work. What type
2 of work? What was the --

3 MR. HAMPTON: I don't really --

4 LT. CORREGLIA: If it was set up --

5 DETECTIVE CASSIAN: With no furniture on the
6 first or second.

7 LT. CORREGLIA: -- if Lee said to them, we're
8 going to do some work, do you know what type of work
9 the boys thought they were there to do?

10 MR. HAMPTON: It might have been something to
11 clean up. Who knows?

12 OFFICER HADLEY: Clean up?

13 MR. HAMPTON: Yeah.

14 OFFICER HADLEY: Had they ever cleaned up for
15 Lee Evans any other --

16 MR. HAMPTON: Yeah.

17 OFFICER HADLEY: And is it my understanding
18 that they worked for Lee Evans in the capacity as
19 clean-up kids or kids that actually did construction
20 work?

21 MR. HAMPTON: Clean up. Clean up.

22 OFFICER HADLEY: Just clean up?

23 MR. HAMPTON: Just clean up.

24 DETECTIVE CASSIAN: Clean up? Move junk?

25 Move --

1 MR. HAMPTON: Yeah. Like he want to move
2 some of his stuff or trash or some stuff of that
3 nature.

4 LT. CORREGLIA: Now, to your knowledge, had
5 those boys ever been to that house before? It would
6 have been your house at the time that they were --

7 MR. HAMPTON: No. I don't think they ever
8 been there. They might have been there riding there
9 with him for me or whatever. I don't know.

10 OFFICER HADLEY: Now, at the time that these
11 boys was working with Lee, were you also working with
12 Lee in the same capacity?

13 MR. HAMPTON: Yeah.

14 OFFICER HADLEY: So you were doing cleanup,
15 too, or were you doing construction?

16 MR. HAMPTON: No. I was a mason and -- stuff
17 of that nature.

18 OFFICER HADLEY: And how many times have you
19 worked with Lee and those boys have worked at the same
20 time?

21 MR. HAMPTON: I can't tell you. It wasn't a
22 lot of times. It wasn't a lot of times. They would
23 never be around all the time. He would even go get
24 them on his own, and I wouldn't even be around. But
25 they have worked with me and Lee together.

1 LT. CORREGLIA: Okay. All of them or just a
2 couple of them?

3 MR. HAMPTON: Just a couple of them. He
4 never brought like --

5 OFFICER HADLEY: It sounds like it might be
6 one or two and then, other times, it might have been
7 two other ones or any variation of --

8 MR. HAMPTON: Yeah. It never been five all
9 together, unless he did that while I wasn't around. I
10 don't know.

11 DETECTIVE CASSIAN: Now, -- to the house,
12 you're coming to this house under the pretext to do
13 work, at least in your mind, there's been no threats
14 that you've stated or observed outside or in the
15 vehicle. Now, we're getting to the third floor.
16 You're walking up through two floors that are empty.

17 MR. HAMPTON: Right.

18 DETECTIVE CASSIAN: There's nobody living
19 there, correct?

20 MR. HAMPTON: Right.

21 DETECTIVE CASSIAN: You get to the third
22 floor. I presume it's empty because you said, you
23 moved out.

24 MR. HAMPTON: Uh-hun.

25 DETECTIVE CASSIAN: What transpires

1 immediately upon entering into your old apartment?

2 MR. HAMPTON: We just go into the apartment.

3 The back door was open, too, so we went straight in
4 the apartment. We went through the kitchen. We go
5 through the kitchen first and enter the room to the
6 left to the room.

7 DETECTIVE CASSIAN: And that's the bedroom?

8 MR. HAMPTON: That's the bedroom. That was
9 my bedroom.

10 DETECTIVE CASSIAN: Okay. So the boys are
11 going to --

12 LT. CORREGLIA: What happened? What's going
13 on? Where's the furniture? Where's -- it's like all
14 of us walking in here. Is that --

15 MR. HAMPTON: No. I didn't -- it was just
16 like smooth.

17 DETECTIVE CASSIAN: It went smooth?

18 MR. HAMPTON: Really smooth. There wasn't no
19 getting excited like --

20 DETECTIVE CASSIAN: Like the boys didn't
21 question what was going on at all?

22 MR. HAMPTON: They -- they might. I can't --
23 but they didn't get excited about it.

24 LT. CORREGLIA: Who pulled the racket on
25 them?

1 MR. HAMPTON: Evans passed me the racket.

2 That's what it was.

3 LT. CORREGLIA: "Racket" being a handgun?

4 MR. HAMPTON: Yeah. A gun.

5 DETECTIVE CASSIAN: Now, did he pull it out
6 first and point it at them or did he pull it out and
7 then hand it to you and tell you? What did he --

8 MR. HAMPTON: He pointed it at them and told
9 them to sit down on the floor. That's what it was.
10 And then he gave me the gun. He said, watch them until
11 I get back and he went and got the other three guys

12 DETECTIVE CASSIAN: Okay. And that's --

13 MR. HAMPTON: Yeah.

14 DETECTIVE CASSIAN: So they sat on the floor?

15 MR. HAMPTON: They sat on -- yeah. But he
16 had -- once he went and got the other three guys, he
17 must have -- once he found the three guys, he must have
18 dropped Reese off at home.

19 DETECTIVE CASSIAN: Okay. Reese was with you
20 with this first two?

21 MR. HAMPTON: The first two, he was.

22 DETECTIVE CASSIAN: Okay. What was Reese
23 doing? Do you know?

24 MR. HAMPTON: Reese stayed in the truck, from
25 what I gather.

1 DETECTIVE CASSIAN: Okay. You don't remember
2 him coming upstairs in the house at all?

3 MR. HAMPTON: I don't remember him coming
4 upstairs.

5 DETECTIVE CASSIAN: Okay. So it's just you,
6 Lee Evans, and the two boys upstairs at first?

7 MR. HAMPTON: Yeah. Uh-huh.

8 DETECTIVE CASSIAN: Now, Lee Evans gives you
9 the gun, tells you to watch them?

10 MR. HAMPTON: Watch them until he get back.
11 He's coming right back.

12 LT. CORREGLIA: And Maurice was in the truck?

13 MR. HAMPTON: Yeah. Maurice was --

14 LT. CORREGLIA: Let me ask you something.
15 Did Maurice know that this was going on, too, that he
16 was --

17 MR. HAMPTON: No. He didn't know it. I
18 don't even think he really knew. He just knew that --
19 you know, Lee didn't give nobody -- didn't stress it
20 like, this is what he going to do to these -- you
21 know, --

22 OFFICER HADLEY: But you're going there.
23 You --

24 MR. HAMPTON: I knew that he had that on his
25 mind. You understand what I'm saying? But I didn't

1 think he was going to --

2 DETECTIVE CASSIAN: He was going to carry it
3 out.

4 MR. HAMPTON: -- carry it out.

5 DETECTIVE CASSIAN: Now, Maurice was much
6 younger than you and Lee Evans at the time, correct?

7 MR. HAMPTON: No. He not much younger.

8 DETECTIVE CASSIAN: He was still a teen then,
9 correct? Maurice was like 16 then, right?

10 MR. HAMPTON: Well, he's about 48, something
11 like that, right?

12 DETECTIVE CASSIAN: And you're only in your
13 20's at the time, 22, right?

14 MR. HAMPTON: Twenty-one.

15 DETECTIVE CASSIAN: Twenty-one.

16 MR. HAMPTON: Lee is about 48, right?

17 LT. CORREGLIA: Reese was born in, yes, 61,
18 so he'd be about --

19 DETECTIVE CASSIAN: 16. 16 or 17, depending
20 on -- right?

21 MR. HAMPTON: 17.

22 DETECTIVE CASSIAN: Yes. 17. So he's a
23 little bit younger than you. Now, when Lee leaves,
24 what's that 45 minutes like going by? Are these kids
25 asking what's going on?

1 MR. HAMPTON: Yeah. But it's -- I was trying
2 to convince them that Lee wasn't going to do anything
3 to them.

4 DETECTIVE CASSIAN: Okay.

5 MR. HAMPTON: That's what I was doing. I
6 said, Lee isn't going to do nothing to you. He's just
7 scaring you. That's what I told them. That's -- you
8 know, I was trying to explain it to them. He's not
9 going to hurt you all.

10 LT. CORREGLIA: So these boys are sitting on
11 the floor. You got the gun out.

12 MR. HAMPTON: Yeah. He just scaring you all.

13 LT. CORREGLIA: And then you're telling them
14 that Lee is just going to scare them?

15 MR. HAMPTON: Yeah. Yeah. But when Lee got
16 back, I said, Lee, are you really going to go all the
17 way through with this? --

18 DETECTIVE CASSIAN: Now, what were the other
19 -- he walks into the -- how, three boys with himself,
20 right?

21 MR. HAMPTON: Yeah. Uh-huh. But he gets
22 them in the room first before, you know, he let them
23 know what was going on.

24 DETECTIVE CASSIAN: Okay. So they come up
25 all non-- like --

1 MR. HAMPTON: All three were nice -- not even
2 thinking like that.

3 DETECTIVE CASSIAN: Thinking anything. Just
4 thinking they're going to go to work now. Do you know
5 what time of day this was?

6 MR. HAMPTON: This was at night.

7 OFFICER HADLEY: Okay. About what time at
8 night?

9 MR. HAMPTON: About 8, 8:30, 9.

10 LT. CORREGLIA: But it was dark out?

11 MR. HAMPTON: It was dark. That's right.

12 LT. CORREGLIA: Let me ask you something.
13 Was it dark in the house?

14 MR. HAMPTON: No. I had lights in the house.

15 LT. CORREGLIA: The house still had lights?

16 MR. HAMPTON: Yeah.

17 LT. CORREGLIA: Okay. There was nobody
18 living there, but it still had lights?

19 MR. HAMPTON: Yeah. Lights.

20 LT. CORREGLIA: Okay.

21 OFFICER HADLEY: Did the boys ever, during
22 the time you were talking to the two that you had
23 there, acknowledge that they had taken anything from
24 Lee?

25 MR. HAMPTON: Yeah. The way I gave it to

1 them, like he's just going to scare them. He wasn't
2 going to hurt them or nothing. I didn't even have -- I
3 didn't even -- he going to kill them boys, you know,
4 and it wasn't even on my mind. I said -- because when
5 he came in and Lee said -- he did what he did, I said,
6 Lee, you're really going to carry this out, you know?
7 And he puts them in the close and nails the closets up
8 and start pouring the gas around and he has me striking
9 the match. I said, I ain't striking no match. He
10 said, well, he had started pouring the gas all around
11 the door. I said, I ain't striking no match and he
12 poured the gas in the kitchen. Because he didn't have
13 a match because he don't smoke, you know, and I was on
14 my way down the steps, the first five steps and, when
15 he did strike the match, you know, how you get a back
16 draft on a fire, it blew back and I jumped down a whole
17 flight of steps. The house was on fire instantly.
18 That gas set the house on fire instantly.

19 DETECTIVE CASSIAN: Now, back to the room, if
20 I could. When he comes back with the three boys and,
21 now, they become aware of what's going on, they walk in
22 a room and you're there with a gun, --

23 MR. HAMPTON: Yeah.

24 DETECTIVE CASSIAN: -- what are they saying?

25 MR. HAMPTON: They ain't saying -- you know,

1 they might have said something, but it's -- I don't
2 know.

3 LT. CORREGLIA: Are you sure there's only one
4 gun?

5 MR. HAMPTON: There's only one gun. I had
6 until Evans took it away from me.

7 DETECTIVE CASSIAN: So he came back and how
8 did that work out?

9 MR. HAMPTON: When he came back, he just --
10 you know, he was -- he might have said something to
11 them before he attempted to put them in the closet. He
12 might have said something to them. I said, Evans,
13 you're really going to carry this out? He said, yeah.
14 You know? And it been a week later. I don't know the
15 exact date they broke in his house, but I know it was
16 later, days later.

17 LT. CORREGLIA: Right. Right.

18 MR. HAMPTON: You know, and --

19 DETECTIVE CASSIAN: Truck -- were they going
20 in his closet?

21 MR. HAMPTON: He didn't struggle with them at
22 first. He -- a little bit, you know, getting them in
23 there, getting them into the close.

24 LT. CORREGLIA: How did he nail the closet?

25 MR. HAMPTON: He nailed it into the --

1 LT. CORREGLIA: The jam?

2 MR. HAMPTON: The jam.

3 LT. CORREGLIA: How did he nail it?

4 DETECTIVE CASSIAN: Did he bring tools or
5 hammers?

6 MR. HAMPTON: He had a hammer and a nail. He
7 had a hammer with --

8 DETECTIVE CASSIAN: One --

9 MR. HAMPTON: One nail.

10 LT. CORREGLIA: One nail?

11 MR. HAMPTON: One big nail. One long ass
12 nail.

13 LT. CORREGLIA: And he nailed one nail
14 through the door?

15 MR. HAMPTON: Yeah. Through the side.

16 DETECTIVE CASSIAN: Now, you just showed me a
17 nail like --

18 MR. HAMPTON: I don't know exactly how long
19 it was, but I know it was a big nail.

20 LT. CORREGLIA: Okay. Okay.

21 MR. HAMPTON: And he nailed it all the way
22 in.

23 LT. CORREGLIA: Did he have any tools in the
24 car, in the truck, in the pickup truck?

25 MR. HAMPTON: Yeah. He always had tools in

1 the truck.

2 LT. CORREGLIA: He always had them?

3 MR. HAMPTON: Yeah.

4 DETECTIVE CASSIAN: When did he come in with
5 the hammer and the nail?

6 MR. HAMPTON: The last time he came with the
7 kids.

8 DETECTIVE CASSIAN: With the three?

9 MR. HAMPTON: Yeah.

10 DETECTIVE CASSIAN: When did he come in with
11 the gasoline?

12 MR. HAMPTON: He came with the gas now at the
13 same time.

14 DETECTIVE CASSIAN: So he's walking in the
15 house --

16 MR. HAMPTON: Yeah.

17 DETECTIVE CASSIAN: -- with three boys, a
18 hammer and a jug of gas?

19 MR. HAMPTON: Yeah. Yeah.

20 DETECTIVE CASSIAN: Now, is it -- describe
21 the can of gas.

22 MR. HAMPTON: It's a red can.

23 DETECTIVE CASSIAN: Red can?

24 MR. HAMPTON: Yeah. A red can.

25 DETECTIVE CASSIAN: I'm going to assume it's

1 a metal red can, right?

2 MR. HAMPTON: It's a metal red can.

3 LT. CORREGLIA: How big of a can?

4 MR. HAMPTON: I'd say about a five gallon
5 can.

6 OFFICER HADLEY: If you was to show that in
7 size, how would you do?

8 MR. HAMPTON: I'd say about that tall and --

9 LT. CORREGLIA: Let me ask you, that can
10 wasn't there before? You guys didn't bring that can
11 there before?

12 MR. HAMPTON: No. No.

13 LT. CORREGLIA: No?

14 MR. HAMPTON: No.

15 LT. CORREGLIA: Maurice didn't bring that can
16 up?

17 MR. HAMPTON: No.

18 LT. CORREGLIA: No?

19 MR. HAMPTON: No.

20 LT. CORREGLIA: There was Evans that brought
21 that can up?

22 MR. HAMPTON: Evans brought the can up.

23 DETECTIVE CASSIAN: Do you recall seeing the
24 can in the truck when you were on your --

25 MR. HAMPTON: It was on the back of the

1 truck.

2 DETECTIVE CASSIAN: In the bed?

3 MR. HAMPTON: Yeah. In the bed.

4 LT. CORREGLIA: Is it -- how many times you
5 been in that truck? The question is, was that can
6 always in the truck? Is that a part of the truck, part
7 of tools?

8 MR. HAMPTON: No.

9 LT. CORREGLIA: No?

10 DETECTIVE CASSIAN: Were you with him when he
11 bought the gasoline?

12 MR. HAMPTON: No. I wasn't with him. I
13 think he bought the gasoline when he went out to get
14 the three boys the last time he went out. He didn't
15 buy the gas when I was with him.

16 DETECTIVE CASSIAN: Which way did the door
17 open on the close? I'm assuming one way, but I want
18 you to --

19 MR. HAMPTON: Out.

20 DETECTIVE CASSIAN: Out?

21 MR. HAMPTON: Uh-huh.

22 LT. CORREGLIA: Okay. And all five went into
23 that closet?

24 MR. HAMPTON: All five.

25 LT. CORREGLIA: And, now, you say -- when did

1 he strike the match? Let me ask you this. You say,
2 from the floor, from what I gather, from what you are
3 saying, he poured gasoline around the door to the
4 closet?

5 MR. HAMPTON: Yeah. He put a lot of gas
6 around the door to the closet.

7 LT. CORREGLIA: The door to the closet?

8 MR. HAMPTON: Yeah.

9 LT. CORREGLIA: Did gasoline go into the
10 closet?

11 MR. HAMPTON: -- poured a stream of gas all
12 the way out and into the kitchen, but he sat the gas
13 can down right by the kitchen, the door going out to
14 the front steps.

15 LT. CORREGLIA: Okay.

16 MR. HAMPTON: And he asked me for the match.
17 I was on my way out.

18 LT. CORREGLIA: Where were you when -- you're
19 in the --

20 MR. HAMPTON: I was standing -- I was
21 standing outside the door by the kitchen when he asked
22 me for the match. I say, I ain't have a match and he
23 said, I know you got matches. You smoke. I said, I
24 ain't striking no match.

25 LT. CORREGLIA: Okay.

1 MR. HAMPTON: All right? And I gave him the
2 matches and he struck the match.

3 LT. CORREGLIA: Did he strike it?

4 MR. HAMPTON: Yeah.

5 LT. CORREGLIA: And what happened?

6 MR. HAMPTON: I took off.

7 LT. CORREGLIA: But you saw the flames?

8 MR. HAMPTON: I saw the flame. I took off,
9 and he took off.

10 LT. CORREGLIA: Did you sit around and watch
11 the house burn?

12 MR. HAMPTON: No.

13 DETECTIVE CASSIAN: How did you exit the
14 house?

15 MR. HAMPTON: I exited the house through the
16 back. I went all the way down to the first floor and
17 went out the back.

18 DETECTIVE CASSIAN: And how did he exit the
19 house?

20 MR. HAMPTON: The same way.

21 DETECTIVE CASSIAN: The same way? What did
22 you guys do?

23 MR. HAMPTON: Huh?

24 DETECTIVE CASSIAN: What did you do? You ran
25 out the back of the house?

1 MR. HAMPTON: Ran out the back of the house
2 and get in the truck and leave because it was blazing.

3 LT. CORREGLIA: It was blazing, the house?

4 MR. HAMPTON: Yeah. It was blazing when we
5 got out of there.

6 LT. CORREGLIA: Did you hear any screams, any
7 yells?

8 MR. HAMPTON: No. If I did, I didn't pay it
9 no mind.

10 DETECTIVE CASSIAN: Okay. Did you guys go
11 anywhere to watch the fire at all?

12 MR. HAMPTON: No.

13 DETECTIVE CASSIAN: Where did you go after
14 you got in the truck?

15 MR. HAMPTON: He took me home.

16 DETECTIVE CASSIAN: What, two blocks away?

17 MR. HAMPTON: Yeah.

18 DETECTIVE CASSIAN: Did you watch the fire
19 from your house or go back down and see the fire trucks
20 by car?

21 MR. HAMPTON: I know, I heard a lot of --
22 around there.

23 DETECTIVE CASSIAN: Do you remember what time
24 you got home in your house?

25 MR. HAMPTON: No. I don't know exactly. I

1 wasn't even thinking about the time. I took a bath,
2 washed up, cleaned up.

3 DETECTIVE CASSIAN: Did you have gasoline all
4 over yourself?

5 MR. HAMPTON: No. I didn't have no gasoline,
6 unless it splashed on my feet. There was no gas on me.

7 LT. CORREGLIA: Was Maurice with you?

8 MR. HAMPTON: No.

9 LT. CORREGLIA: He wasn't at the house
10 waiting or anything like that?

11 (Mr. Hampton shaking his head no.)

12 LT. CORREGLIA: After this day, did you guys
13 talk about it again?

14 DETECTIVE CASSIAN: This is over 30 years.

15 MR. HAMPTON: Yeah.

16 LT. CORREGLIA: In these 30 years, how many
17 times have you seen him in 30 years?

18 DETECTIVE CASSIAN: You guys never worked
19 together again after this?

20 MR. HAMPTON: After that, no, because he had
21 took my sister to court because she wasn't fixing
22 things in the house she stayed in on 19th Street, so
23 she put up money -- rent. And the deed was in my
24 uncle's name, but my uncle must have been at work that
25 day and he -- evicted out of the house and, when we

1 went in front of the Judge and the Judge said, is this
2 your uncle's signature? She looked at it and she said,
3 no. That's my brother's signature. And the Judge
4 said, well, you know, I can give you time for forging
5 the deed on the house and, you know, naturally, I said,
6 well, I signed it and that day, we left --

7 LT. CORREGLIA: Let me ask you this. You're
8 speaking about your sister? What's her name?

9 MR. HAMPTON: Veronica Williams.

10 LT. CORREGLIA: Veronica Williams?

11 MR. HAMPTON: Yeah.

12 LT. CORREGLIA: Have you ever mentioned this
13 to Veronica, about the fire and the boys?

14 MR. HAMPTON: No.

15 LT. CORREGLIA: You never said anything to
16 her?

17 MR. HAMPTON: No.

18 OFFICER HADLEY: Why you never talked about
19 it?

20 MR. HAMPTON: I didn't say --

21 LT. CORREGLIA: Never? You didn't tell your
22 sister? Are you sure?

23 MR. HAMPTON: Positive.

24 DETECTIVE CASSIAN: Did you ever meet up with
25 Lee after the fire, go for any rides in any cars or

1 shortly after the fire?

2 MR. HAMPTON: No.

3 LT. CORREGLIA: Let me ask you something.

4 For your participation, your assistance, what you did,
5 did he pay you?

6 MR. HAMPTON: No.

7 LT. CORREGLIA: He didn't pay you? You just

8 --

9 DETECTIVE CASSIAN: Did he give you any weed?

10 MR. HAMPTON: No.

11 OFFICER HADLEY: Okay. Just on that little
12 note, you ended your statement when you said, you came
13 out of court, he told you to let your sister look after
14 you from now on.

15 MR. HAMPTON: I asked him for some money that
16 day. That's what it was. I asked him for some --

17 OFFICER HADLEY: How much did you ask for?

18 MR. HAMPTON: I didn't ask for a lot, you
19 know, --

20 OFFICER HADLEY: How much?

21 MR. HAMPTON: -- a couple -- or whatever. He
22 said, get it from your sister. That's what it was.

23 LT. CORREGLIA: So your sister got evicted by
24 him?

25 MR. HAMPTON: She didn't get evicted.

1 LT. CORREGLIA: Oh, she didn't get evicted?

2 MR. HAMPTON: No. The Judge gave her time to
3 move out.

4 LT. CORREGLIA: He gave her -- the Judge told
5 her to move out?

6 MR. HAMPTON: Yeah.

7 LT. CORREGLIA: Okay.

8 DETECTIVE CASSIAN: You had a relationship
9 over the years where you would normally borrow money
10 from Lee?

11 MR. HAMPTON: I didn't exactly borrow it from
12 him. I worked for him.

13 LT. CORREGLIA: You worked for the money he
14 gave you?

15 MR. HAMPTON: Uh-huh.

16 LT. CORREGLIA: Let me ask you something. If
17 I go speak to your sister, Veronica, she'll remember
18 what you're saying?

19 MR. HAMPTON: Yeah. She would. She should.
20 She got --

21 LT. CORREGLIA: She's sick, your sister?

22 MR. HAMPTON: She got -- she have seizures a
23 lot. She had it all her life. Most likely, she can
24 remember.

25 LT. CORREGLIA: Okay. Other than you and

1 Evans and Maurice is dead, other than yourself and
2 Evans, who else knows about this?

3 MR. HAMPTON: His brother.

4 LT. CORREGLIA: Lavert?

5 MR. HAMPTON: Yeah.

6 LT. CORREGLIA: But he's also dead?

7 MR. HAMPTON: Yeah.

8 LT. CORREGLIA: Why would Lavert know about
9 it?

10 MR. HAMPTON: Because his brother, they --
11 you know, I know they talk, see each other.

12 DETECTIVE CASSIAN: How do you know that
13 Lavert knew?

14 MR. HAMPTON: I don't know exactly, but I
15 know he talks to his brother about confidential stuff.

16 I know he talks to his brother. -- in the car right
17 by -- I rode past him. He just sitting in the car. --

18 LT. CORREGLIA: How long ago?

19 MR. HAMPTON: In the Home Depot on Bergen
20 Street when it first opened up.

21 LT. CORREGLIA: So a couple of years, right?
22 Like two, three years?

23 OFFICER HADLEY: Yeah. It hasn't been open
24 that long, two years. The new one on Bergen, right?

25 MR. HAMPTON: Yeah.

1 OFFICER HADLEY: It's the only one in Newark,
2 so, yes.

3 LT. CORREGLIA: And what did he say when he
4 spoke to you then?

5 MR. HAMPTON: He just spoke to me and asked
6 me how -- going to get my own money. He didn't give me
7 nothing.

8 LT. CORREGLIA: Do you think you were owed
9 anything for what you did that day?

10 MR. HAMPTON: I wouldn't say that. See,
11 there's a truck -- I have a van that belongs to him
12 that was in my name. He left it parked on the street
13 and it went to --

14 LT. CORREGLIA: That green van?

15 MR. HAMPTON: Yeah.

16 LT. CORREGLIA: And that was in your name?

17 MR. HAMPTON: It was in my name, but --

18 LT. CORREGLIA: But it was his?

19 MR. HAMPTON: It was him, and it went up to
20 about 800 and some dollars in parking --

21 LT. CORREGLIA: Why would he put it in your
22 name?

23 MR. HAMPTON: I guess because he had so much
24 other stuff, you know, other papers in his name, but he
25 put it in my name because I was supposed to be getting

1 the van, but it didn't never happen.

2 LT. CORREGLIA: Did you -- where was your mom
3 living at the time? -- car to your mom, did she drive?
4 No?

5 MR. HAMPTON: When she's down south, she
6 does. She didn't drive when she was here.

7 LT. CORREGLIA: Not up here? What about
8 Lee's mom?

9 MR. HAMPTON: She drove.

10 DETECTIVE CASSIAN: Do you remember her car?

11 MR. HAMPTON: She had a red and white 98.

12 LT. CORREGLIA: Okay. Do you ever remember
13 riding around in that with Lee at all?

14 MR. HAMPTON: No. I used to drive that for
15 her.

16 LT. CORREGLIA: Okay. For her?

17 MR. HAMPTON: Yeah. She used to gamble a
18 lot.

19 LT. CORREGLIA: Did you ever borrow that car?

20 MR. HAMPTON: Not that I can recall. I -- in
21 there together. Never with Lee.

22 DETECTIVE CASSIAN: Did you and Lee ever talk
23 about this investigation once it started? If you
24 remember back 30 years ago, it was pretty public,
25 right?

1 MR. HAMPTON: Well, we --

2 LT. CORREGLIA: And before we get past --

3 MR. HAMPTON: I think he did say something
4 about -- us. You got to be ready for them. He tried
5 to explain to me how to do the polygraph. That's what
6 he was doing.

7 LT. CORREGLIA: He was telling you how to
8 deal with a polygraph?

9 MR. HAMPTON: Yeah.

10 LT. CORREGLIA: And what did he say, if you
11 remember?

12 MR. HAMPTON: He said, just think about
13 somebody, you know, that's dead that you --

14 LT. CORREGLIA: You would beat the polygraph?

15 MR. HAMPTON: That polygraph.

16 LT. CORREGLIA: Okay. Now, you took a
17 polygraph how long after this happened?

18 MR. HAMPTON: I'd say about a couple of weeks
19 -- not --

20 LT. CORREGLIA: You were questioned by the
21 police back then?

22 MR. HAMPTON: Yeah.

23 LT. CORREGLIA: Okay. And you didn't tell
24 the police anything at the time? Let me ask you one
25 thing before we go past this. After the fire, you only

1 lived a couple of blocks away, correct?

2 MR. HAMPTON: Right.

3 LT. CORREGLIA: From 271 Hunterdon.

4 MR. HAMPTON: Right.

5 LT. CORREGLIA: It's pretty much the same
6 block as the 300 block of Camden. So you're talking
7 Hunterdon, Bergen, Camden.

8 MR. HAMPTON: Right.

9 LT. CORREGLIA: Right?

10 MR. HAMPTON: Like around on the other side.

11 LT. CORREGLIA: Around on the other side,
12 though.

13 MR. HAMPTON: Yeah.

14 LT. CORREGLIA: The next day, the next two
15 days, the next week, did you go past that house and
16 look at the condition of the house?

17 MR. HAMPTON: I did. Yes.

18 LT. CORREGLIA: What was the condition of the
19 house after the fire?

20 MR. HAMPTON: It was burnt all the way down.

21 LT. CORREGLIA: What do you mean by, "all the
22 way down?"

23 MR. HAMPTON: To the ground. It burned down
24 to like the bottom floor.

25 LT. CORREGLIA: All the way to the bottom

1 floor?

2 MR. HAMPTON: Yeah.

3 DETECTIVE CASSIAN: Like to the basement
4 bottom floor of the --

5 MR. HAMPTON: To the first floor.

6 LT. CORREGLIA: The first floor was still
7 partially standing or --

8 MR. HAMPTON: It was partially standing.

9 DETECTIVE CASSIAN: So it was burned on the
10 back of the house then?

11 OFFICER HADLEY: All the way to the basement?

12 MR. HAMPTON: Yes. All the way to the
13 basement.

14 OFFICER HADLEY: Now, just for my
15 clarification, when you say, the house was burned down
16 to the ground, does that mean, if you were standing
17 outside, you could see from the top floor to the bottom
18 floor burned or are you saying that the building was
19 collapsed?

20 MR. HAMPTON: The whole thing came down. The
21 whole thing collapsed because -- fire department.

22 DETECTIVE CASSIAN: Just the front first
23 floor was there?

24 MR. HAMPTON: That's all I can probably
25 remember. Yeah. But there any no parts to the back

1 was there.

2 LT. CORREGLIA: Okay. So the back would be
3 charred rubble into the basement?

4 MR. HAMPTON: -- charcoal.

5 LT. CORREGLIA: Right. Oh, charcoal? Now,
6 let me go one step further. How long did that house
7 stay like that for? Do you recall?

8 MR. HAMPTON: I don't know.

9 LT. CORREGLIA: You don't know? Do you
10 remember the house itself being completely gone? They
11 went at it with bulldozers, they took down the --
12 whatever was left.

13 MR. HAMPTON: I don't --

14 OFFICER HADLEY: You were 21 at the time. It
15 was still there when you were 22 or 23?

16 DETECTIVE CASSIAN: If you don't recall, --

17 MR. HAMPTON: Yeah. I think so. It might
18 have been. I don't know.

19 DETECTIVE CASSIAN: Okay. But you can't
20 recollect the house sitting there abandoned, burned
21 out, I mean, a shell of the house?

22 MR. HAMPTON: For a long period of time.

23 DETECTIVE CASSIAN: I think they would have
24 cleaned that up quick.

25 MR. HAMPTON: Yeah.

1 LT. CORREGLIA: It would have been several
2 days, if not weeks, before the cleanup. Philander,
3 everything you've told us here, is it the truth?

4 MR. HAMPTON: Yes. It's the truth.

5 LT. CORREGLIA: You swear?

6 MR. HAMPTON: I swear.

7 LT. CORREGLIA: You affirm?

8 MR. HAMPTON: Yes.

9 LT. CORREGLIA: I don't know if you believe
10 in god? Do you believe in god?

11 MR. HAMPTON: Yeah.

12 LT. CORREGLIA: Do you swear everything you
13 told us is the truth?

14 MR. HAMPTON: Yeah.

15 LT. CORREGLIA: No bull shit?

16 MR. HAMPTON: No.

17 LT. CORREGLIA: Right?

18 MR. HAMPTON: No.

19 LT. CORREGLIA: Okay.

20 OFFICER HADLEY: Before -- I just want to ask
21 him a couple of questions. This incident happened 30
22 years ago, and you've been questioned by the police how
23 many times about?

24 MR. HAMPTON: About the third or fourth time.

25 OFFICER HADLEY: Now, during those times, you

1 never alluded to the police that you may have been
2 there at the time that this happened?

3 MR. HAMPTON: No.

4 OFFICER HADLEY: Today, why do you feel it's
5 more different than any other time?

6 MR. HAMPTON: I don't know.

7 OFFICER HADLEY: You mentioned --

8 MR. HAMPTON: Thirty years. Not that in 30
9 years. You know, as you get older, --

10 OFFICER HADLEY: It's been 30 years. Let me
11 ask you -- let me just ask you him. How often would
12 you think about this --

13 MR. HAMPTON: Because, you know, it's still
14 coming around and, you know, they had mentioned the
15 other people.

16 LT. CORREGLIA: You knew we were looking for
17 you, right?

18 MR. HAMPTON: Yeah.

19 OFFICER HADLEY: When was the last time you
20 thought about this case before today?

21 MR. HAMPTON: Last time?

22 DETECTIVE CASSIAN: Yesterday?

23 MR. HAMPTON: No.

24 OFFICER HADLEY: How many times would you say
25 you thought about it this year?

1 MR. HAMPTON: Oh, I don't know when it
2 crossed my mind.

3 LT. CORREGLIA: The mother of some of these
4 dead kids what would you tell them? If they were
5 there, what do you think you would come up with?

6 MR. HAMPTON: Well, I didn't.

7 LT. CORREGLIA: Okay. Well, that's your
8 answer, that's our answer. Anything else you want to
9 add? Anything you left out? Anything you left out
10 that maybe you want to add?

11 MR. HAMPTON: No.

12 LT. CORREGLIA: Are you sure that gun was
13 never fired at these kids?

14 MR. HAMPTON: No.

15 LT. CORREGLIA: Never fired, never shot one
16 of the kids, nothing? Just put them in the closet --

17 MR. HAMPTON: Yes.

18 LT. CORREGLIA: -- at gunpoint and never
19 shot?

20 OFFICER HADLEY: Why wouldn't you have fired?

21 MR. HAMPTON: I didn't have no reason.

22 LT. CORREGLIA: Let me ask you, did Lee hold
23 onto that gun? He still has it?

24 MR. HAMPTON: I don't know if he still has
25 it. No.

1 DETECTIVE CASSIAN: Do you think you would be
2 able to identify it, if he did still own that weapon?
3 Anything in particular about it, a different grip, you
4 know, oyster handle color, you know?

5 MR. HAMPTON: No --

6 LT. CORREGLIA: What color grip was it? Do
7 you remember?

8 MR. HAMPTON: It might have been a --

9 DETECTIVE CASSIAN: Okay. All right. Now,
10 I'm just asking you this. Now, the fact that I wanted
11 to ask you one thing before -- with that home being
12 there and charred, did you ever walk up to the house to
13 look in and see if you could find any bones or anything
14 like that?

15 MR. HAMPTON: No.

16 DETECTIVE CASSIAN: Nothing? Do you remember
17 Lee ever going back there at all or talking about it?

18 MR. HAMPTON: No. I don't. No. I never
19 went there looking for nothing back there. That was
20 it, everything because I didn't know -- you know, I had
21 no clue that he was going to do that. I tried to talk
22 him out of it, but he was, you know, sincere about what
23 he was planning to do.

24 LT. CORREGLIA: Let me ask you one quick
25 question. I got you out around midday. Were you given

1 a sandwich -- apple juice?

2 MR. HAMPTON: Yes.

3 LT. CORREGLIA: Okay.

4 DETECTIVE CASSIAN: And several drinks,

5 correct? You've been here.

6 MR. HAMPTON: Yes.

7 DETECTIVE CASSIAN: How do you feel now after

8 talking about this?

9 LT. CORREGLIA: Do you feel better that you

10 told us?

11 MR. HAMPTON: I still feel the same.

12 LT. CORREGLIA: You still feel the same?

13 MR. HAMPTON: Yeah.

14 OFFICER HADLEY: Let me ask you. At any

15 point, did you feel remorseful for any of this?

16 MR. HAMPTON: I ain't --

17 LT. CORREGLIA: Do you know what remorse is?

18 Feel sorry.

19 MR. HAMPTON: Oh, yeah. I felt sorry for the

20 families in some way. Yeah.

21 LT. CORREGLIA: When you say, "some way?"

22 MR. HAMPTON: Yeah. But I didn't really,

23 really know them, so -- I don't even know what his

24 mothers look like. You couldn't even tell me that's

25 the mother or whatever.

1 LT. CORREGLIA: Okay.

2 MR. HAMPTON: I didn't know. Lee might have
3 known, but I didn't.

4 LT. CORREGLIA: Okay. Anything else?

5 OFFICER HADLEY: If we talked to Lee Evans
6 and he decided to tell us the accounts of what happened
7 that day, would they be --

8 MR. HAMPTON: I couldn't exactly tell you.

9 OFFICER HADLEY: If he was telling the truth.

10 MR. HAMPTON: If he was telling the truth, it
11 should be exactly right.

12 LT. CORREGLIA: He would try to put this off
13 on you and change up anything saying it was the truth?

14 MR. HAMPTON: I want to say he wouldn't.

15 LT. CORREGLIA: I mean, what you're telling
16 us is that --

17 MR. HAMPTON: Yes. It's true.

18 LT. CORREGLIA: Did we threaten you here
19 today?

20 MR. HAMPTON: No.

21 LT. CORREGLIA: Did we promise you stuff here
22 today?

23 MR. HAMPTON: No.

24 LT. CORREGLIA: Okay. Thanks.

25 DETECTIVE CASSIAN: Is there anything you

1 want to add to this or know of -- Do you want to say
2 anything about it?

3 OFFICER HADLEY: Take your time and think
4 about it.

5 DETECTIVE CASSIAN: I mean, think about it.
6 Did we forget to ask you anything today?

7 OFFICER HADLEY: The reason why I say it is
8 it's 30 years passed and you've repressed a lot of
9 stuff and -- it's all --

10 MR. HAMPTON: No.

11 OFFICER CASSIAN: Any type of events in the
12 room. I'm interested about the room because I'm just
13 trying -- you know, when you've got five boys in the
14 room, the stress level has go to be high. What were
15 they saying? Were they trying to give back his stuff?
16 Or are they trying -- or -- was he asking about his
17 stuff?

18 MR. HAMPTON: It might have been.

19 MR. CASSIAN: I'm just asking if you remember
20 that.

21 MR. HAMPTON: I don't remember. I don't
22 recall it too well because it's been so long. I don't
23 mean --

24 MR. CASSIAN: No. It's a stress fun event
25 for you as well, so I --

1 MR. HAMPTON: Yeah. And there might have --

2 MR. CASSIAN: Did you have a -- behind this
3 vents.

4 OFFICER HADLEY: I know you're a grown man
5 and everything.

6 MR. HAMPTON: I'm just telling you the truth
7 now.

8 DETECTIVE CASSIAN: But you acknowledge that
9 you've thought about this case at least 30 times this
10 year and plenty of times over 30 years?

11 MR. HAMPTON: Yeah.

12 OFFICER HADLEY: Did you ever think there
13 would come a time when you would tell the police what
14 happened?

15 MR. HAMPTON: I don't know.

16 OFFICER HADLEY: Do you feel that you would
17 repress it for so long. In other words, is this
18 something that you would have been willing to take to
19 your grave?

20 MR. HAMPTON: Yeah.

21 OFFICER HADLEY: I just want to, you know,
22 get the full feel because at some point, I think, you
23 know, would you have wanted the parents to know
24 whatever happened to them?

25 DETECTIVE CASSIAN: We all met with the

1 surviving families and just this year and spoke with
2 them all. And there was a big concern to try to locate
3 their remains. So that's why I asked you if you ever
4 returned to the residence to remove anything or if
5 anybody ever did, you know, any recollection of any of
6 those remains being removed from that house?

7 MR. HAMPTON: No.

8 LT. CORREGLIA: Okay. I've got one closing
9 question I just thought about. If Lee told you that he
10 was going to kill them, why did you think he wasn't
11 going to carry it out?

12 MR. HAMPTON: I just did.

13 LT. CORREGLIA: Okay. That's it, you just
14 did?

15 MR. HAMPTON: Because he ain't killed nobody
16 in his family.

17 LT. CORREGLIA: He didn't tell anybody in his
18 own family? Because he hasn't killed anybody in his
19 family?

20 MR. HAMPTON: I didn't see no reason to.

21 DETECTIVE CASSIAN: All they did was take
22 some weed, right?

23 MR. HAMPTON: Yeah. I didn't see no reason
24 to kill the kids. I really --

25 LT. CORREGLIA: Okay.

1 MR. HAMPTON: Deep down inside me, I didn't
2 see no reason.

3 LT. CORREGLIA: I know you didn't see no
4 reason, but I was just asking, why you didn't believe
5 him, if he told you he was going to kill them?

6 MR. HAMPTON: I just didn't believe him. I
7 just didn't believe him.

8 LT. CORREGLIA: Okay.

9 MR. HAMPTON: He never gave me that
10 impression to believe.

11 DETECTIVE CASSIAN: Do you have any knowledge
12 of him killing anybody else before this?

13 MR. HAMPTON: No. No.

14 DETECTIVE CASSIAN: What about since this?

15 MR. HAMPTON: What?

16 DETECTIVE CASSIAN: What about since this
17 event?

18 MR. HAMPTON: No.

19 DETECTIVE CASSIAN: Has he ever threatened
20 you?

21 MR. HAMPTON: No.

22 LT. CORREGLIA: Okay. All right. Anything
23 else?

24 MR. CASSIAN: You want to wait for Joe?

25 LT. CORREGLIA: No. We can close it. Thank

1 you. You know, -- what's the matter, you're cold? You
2 want another coffee or something?

3 MR. HAMPTON: Yeah. Get me another cup.

4 LT. CORREGLIA: I'll get you another coffee.

5 Okay. We're going to --

6 DETECTIVE CASSIAN: The time is now 9:23 p.m.

7 LT. CORREGLIA: 9:23? Okay. I'll write that
8 down. All right. I'm going to take you back to the --
9 you know, to the County or one of us will take you back
10 to the County.

11 MR. HAMPTON: I'm in Delaney Hall.

12 LT. CORREGLIA: You're in Delaney?

13 MR. HAMPTON: I'm in Delaney Hall. I have my
14 clothes over there.

15 LT. CORREGLIA: Where did you come when they

16 --

17 MR. HAMPTON: They came and got me out of the
18 County, but when you all come get me from the County
19 because I was getting ready to go to --

20 LT. CORREGLIA: All right. I've got to take
21 you back to the County. Maybe they'll walk you over to
22 Delaney?

23 MR. HAMPTON: Not this time of night. I need
24 to go over there because my clothes is over there.

25 LT. CORREGLIA: Delaney Hall or the County?

1 MR. HAMPTON: Delaney Hall.

2 LT. CORREGLIA: We'll make a phone call.

3 We'll take care of you. Don't worry about it.

4 MR. HAMPTON: They got my long johns,

5 everything. I'm cold.

6 LT. CORREGLIA: I'm not going to leave you

7 stranded, man. Don't worry about it. We'll take you

8 back to the jail. Are you hungry at all now?

9 MR. HAMPTON: No. I just want to take a

10 leak.

11 LT. CORREGLIA: You want to what, take a

12 leak? All right. You can get the bathroom right there

13 in the cell. We'll have to get him another coffee

14 before he's done anyway.

15 (Interview concluded)

